

Act Number:	09-238 Vetoed	
Bill Number:	586	
Senate Pages:	5667, 5701-5703, 6146-6149	8
House Pages:	10315-10318	4
Committee:	Energy: 183-188, 215-222, 256-261, 338-339	22
	Page Total:	34

S - 593

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 17
5352 - 5682**

mhr
SENATE

263
June 2, 2009

Thank you, Mr. President. Before marking Calendar items, would like to remove two items from the foot of the Calendar and to mark them PR. The first, Mr. President, is on the foot of the Calendar, Calendar Page 42, Calendar 269, Senate Bill 1036, would move to remove that item from the foot and to mark it PR.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

And the second item, Mr. President, is also on Calendar Page 42, on the foot of the Calendar, Calendar 271, Senate Bill 1039.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. We might proceed now to marking Calendar items. First, Mr. President, on Calendar Page 3, Calendar 247, House Bill 5177 is marked go. And also, Mr. President, Calendar Page 3, Calendar 317, Senate Bill 586; Mr. President, I would move to place that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar 317 on the Consent Calendar. Without objection, so ordered, sir.

S – 594

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 18
5683 – 5943**

mhr
SENATE

297
June 2, 2009

Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

mhr
SENATE

298
June 2, 2009

for House Bill 5883; Calendar Page 9, Calendar 619,
House Bill 6343; Calendar 626, House Bill 6476;
Calendar 629, substitute for House Bill 6232; Calendar
Page 10, Calendar 634, House Bill 6544; Calendar 636,
substitute for House Bill 6483; Calendar Page 11,
Calendar 649, substitute for House Bill 6466; Calendar
Page 13, Calendar 663, substitute for House Bill 5254;
Calendar Page 15, Calendar 680, substitute for House
Bill 5821; Calendar Page 16, Calendar 684, House
Bill 6231; Calendar Page 17, Calendar 689, substitute
for House Bill 5421; Calendar Page 18, Calendar 695,
substitute for House Bill 6419; Calendar Page 19,
Calendar 699, substitute for House Bill 6284; Calendar
Page 21, Calendar 711, House Bill 5099; Calendar 712,
substitute for House Bill 6025; Calendar Page 22,
Calendar 718, substitute for House Bill 5861; Calendar
Page 23, Calendar 720, substitute for House Bill 5108;
Calendar Page 32, Calendar 450, House Bill 6233;
Calendar 467, substitute for Senate Bill 1031; and,
Calendar Page 35, Calendar 205, substitute for Senate
Bill 948. Mr. President, that completes the items
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The
machine will be open.

mhr
SENATE

299
June 2, 2009

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

S - 595

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 19
5944 - 6203**

tj
SENATE

345
June 3, 2009

House bill number 6678 and place it on the Consent Calendar, off of Senate Agenda number two. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, on Senate Agenda number three, under House Bills Favorably Reported, substitute House bill 6552, AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS AND IMPORTATION, POSSESSION AND LIBERATION OF WILD ANIMALS, Mr. President, would move to take that item up for purposes of placing it on the Consent Calendar.

THE CHAIR:

There's a motion to place items, House bill 6552, on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, continuing on Senate Agenda number three, under disagreeing actions. First Senate Bill number 586, AN ACT CONCERNING COLLINSVILLE HYDROELECTRIC FACILITY, Mr. President, would move to take that item up for purposes of placing it on the Consent Calendar.

tj
SENATE

346
June 3, 2009

THE CHAIR:

There's a motion to place items, Senate bill 586, on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President, continuing under disagreeing actions on Senate Agenda number three, Substitute Senate bill number 881, AN ACT CONCERNING INTERNATIONAL COMMERCE, Mr. President would move to take that item up for purposes of placing it on the Consent Calendar.

THE CHAIR:

There's a motion to place items, Senate bill 881 on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, finally on Senate Agenda number three, Substitute Senate bill number 887, AN ACT CONCERNING CHANGES TO ECONOMIC DEVELOPMENT STATUTES, Mr. President, would move to take that item up for purposes of placing it on the Consent Calendar.

THE CHAIR:

tj
SENATE

347
June 3, 2009

There's a motion on the floor to take up items,
Senate bill 887 off of Senate Agenda number three.
Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the
Clerk might call that Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate
on the second Consent Calendar. Will all Senators
please return to the Chamber. Immediate Roll Call has
been ordered in the Senate on the second Consent
Calendar . Will all Senators please return to the
Chamber.

Mr. President, the items placed on the second
Consent Calendar begin on Senate Agenda number two,
substitute for House Bill 6678, Senate Agenda number
three, substitute for House Bill 6552, Senate bill
586, substitute for Senate Bill 881 and substitute for
Senate bill 887. Mr. President, that completes those
items placed on the second Consent Calendar.

THE CHAIR:

tj
SENATE

348
June 3, 2009

Please call the Consent Calendar again, sir, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Consent Calendar number two.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar number two passes. Senator Looney.

H – 1068

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 32
10190 – 10500**

pat

475

HOUSE OF REPRESENTATIVES

June 3, 2009

Those absent and not voting 3

DEPUTY SPEAKER McCLUSKEY:

The Bill passes in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

Representative Olson.

REP. OLSON (46th):

Good evening, Mr. Speaker. I move for suspension of the rules for the immediate consideration of Calendar Number 718. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

The question's on suspending the rules to take up Calendar Number 718. Is there objection? Hearing none, Mr. Clerk, please call Calendar Number 718.

THE CLERK:

On Page 26, Calendar Number 718, Senate Bill Number 586 AN ACT CONCERNING A COLLINSVILLE HYDROELECTRIC FACILITY. Favorable Report of the Committee on Energy and Technology.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Energy and Technology Committee, Representative Nardello.

REP. NARDELLO (89th):

pat
HOUSE OF REPRESENTATIVES

476
June 3, 2009

Good evening, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER GODFREY:

The question's on acceptance and passage.

Representative Nardello.

REP. NARDELLO (89th):

Mr. Speaker, the Clerk has an Amendment, LCO Number 9350. Would the Clerk please call the Amendment and may I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 9350, which will be designated House Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

LCO Number 9350, House "A", offered by
Representative LeGeyt, Chapin.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Representative Nardello.

REP. NARDELLO (89th):

Yes, Mr. Speaker. This Amendment actually does work for the Collinsville Dam Facility, and what it

pat
HOUSE OF REPRESENTATIVES

477
June 3, 2009

does is allows the Commissioner of DEP to execute an agreement jointly with the Towns of Canton, Avon and Burlington, the terms and commissions acceptable to the Commissioner, to allow the towns to enter upon and conduct physical examinations and studies of the Collinsville Dam and associated structures and it also allows them to install, operate and maintain hydroelectric generating facilities associated with these appurtenances, including fish ladders and such dams, but without adjusting river flows.

I move adoption of the Amendment.

DEPUTY SPEAKER GODFREY:

The question is on adoption of House Amendment Schedule "A". Will you remark further on the Amendment?

If not, let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended?

pat
HOUSE OF REPRESENTATIVES

478
June 3, 2009

If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is taking a Roll Call Vote. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally. And the Clerk will announce the tally.

THE CLERK:

Senate Bill Number 586 as amended by House "A".

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	147
Those voting Nay	2
Those absent and not voting	2

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

Representative Olson.

REP. OLSON (46th):

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENERGY AND
TECHNOLOGY
PART 1
1 – 351**

**2009
INDEX**

tmd/gbr ENERGY AND TECHNOLOGY
COMMITTEE

1:00 P.M.

JAMES RANDAZZO: Excuse me. You caught me with my mouth full.

REP. NARDELLO: Just always have to be prepared here.

JAMES RANDAZZO: Good afternoon. My name is James Randazzo. I'm the Manager of Water Supply for the Metropolitan District, and I'm here to comment on Proposed Bill Number 586.

The Metropolitan District or the District is a nonprofit municipal corporation chartered by the Connecticut General Assembly in 1929. The Metropolitan District is a regional agency that supplies drinking water and sewerage services to a population of approximately 400,000 people in the Greater Hartford area.

The District provides water service to 12 towns including Hartford, Bloomfield, West Hartford, East Hartford, Newington, Wethersfield, Windsor, Rocky Hill, and portions of Glastonbury, Farmington, South Windsor and East Granby. And the District also operates three dams and two hydroelectric power facilities on the Farmington River.

Flow management of the Farmington River is subject to established rules and policies and involves many stakeholders. The Metropolitan District plays a major role in that flow management, along with state and federal agencies.

Flows in the Farmington River are in large part regulated by management of releases from the District's Goodwin Dam, which located in Hartland, Connecticut, and also the U.S. Army Corps of Engineers Colebrook River Dam located in Colebrook, Connecticut. These dams are

COMMITTEE

both located on the West Branch of the Farmington River, approximately 17 miles upstream from the Collinsville Dam.

The District operates the Goodwin Dam and is required to make regulated releases to the west branch of the Farmington River in accordance with Connecticut General Statutes, a riparian agreement with the Farmington River Power Company, and an agreement with the Allied Connecticut Towns of Barkhamstead, Colebrook, Hartland and New Hartford, releases from the Colebrook River Dam, immediately upstream of Goodwin Dam, are managed by the Army Corps of Engineers and the Connecticut Department of Environmental Protection under the Flood Control Act and the Fish and Wildlife Coordination Act. These agencies make flood control and fisheries releases under existing flow management plans in coordination with the Metropolitan District and its responsibilities.

These existing management plans have resulted in a highly successful fisheries program, and a healthy Farmington River with considerable recreational activity.

There's an existing riparian agreement that requires the District to make flow releases of 21.7 billion gallons per year to the Farmington River Power Company which operates an existing hydroelectric facility on the Farmington River which is located at the Rainbow Dam in Windsor. The Rainbow facility is located approximately 28 miles downstream of the Collinsville Dam.

Flow management at Goodwin Dam requires the release of certain natural inflows within established guidelines. Special Act 444 of the 1949 General Assembly as amended, requires

COMMITTEE

a minimum release of 50 cubic feet per second, or cfs, at all times. During dry or low-flow conditions, low-flow periods, river inflow available for downstream release may be limited. The District may have to hold water in storage, while limiting releases, to ensure that the 50 cfs minimum can be met through drought periods when the river inflows may be less than 50 cfs for an extended period.

Minimal flows would be available for hydroelectric operations at Collinsville under these circumstances. This flow regime was made part of the study by the Department of the Interior under the federal Wild and Scenic Rivers program. Management of this flow regime remains a condition of the wild and scenic designation.

The District has operated two hydroelectric facilities at the west branch of the Farmington River for more than two decades. Successful operation of these facilities is dependent on the District's ability to manage and balance inflows and downstream flow releases within established operating rules as overseen by state and federal agencies.

REP. NARDELLO: Excuse me, Mr. Randazzo. Could you summarize the rest of your testimony? Thank you.

JAMES RANDAZZO: I will. The district's public drinking water supply consists of impoundments on the Farmington River and its tributaries, and which include the largest public water drinking water supply reservoir in Connecticut, Barkhamstead Reservoir. And the District has operated a successful recreation program on Lake McDonough, an impoundment on the East Branch of the Farmington River for more than 60 years. The District requests

COMMITTEE

that these issues be considered as part of any study proposed under this bill, and thank you for this opportunity to comment.

TOM LEWIS: Thank you.

Are there questions from Members of the Committee?

Senator Witkos.

SENATOR WITKOS: Thank you, Madam Chair.

Jim, you testified that there are two dams, the Goodwin and the Colebrook River Dam, which fall within your jurisdiction, and you do flow regulation through that?

JAMES RANDAZZO: The actual dam that's under the jurisdiction of the Metropolitan District is Goodwin Dam. About a mile upstream from Goodwin Dam is U.S. Army Corps dam, which is a federal dam called Colebrook River Lake Dam. We make flow releases in an operational standpoint, in coordination with the Army Corps and the Connecticut DEP, but the actual owner and manager of that dam is the federal government.

SENATOR WITKOS: Okay. So the only -- the Collinsville Dam, the flow that they would receive would be determined by those dams that are upstream from them. Is that correct?

JAMES RANDAZZO: That's correct.

SENATOR WITKOS: Okay. Thank you.

Thank you, Madam Chair.

REP. NARDELLO: Representative Reed.

COMMITTEE

REP. LESSER: Thank you, Madam Chairman.

Just for clarification, are you for this or against this? Do you think it's redundant? It feels like your testimony contains a lot of examples of studies that have been done.

JAMES RANDAZZO: Basically, we're not speaking for or against this bill.

What my purpose here today is to just bring to mind that outlined that the river is a highly-regulated river, there's a lot of stakeholders involved, and there's existing management plans that regulate the flows. And then I just thought, perhaps, that people may not have been aware of that.

REP. REED: So perhaps redundant?

JAMES RANDAZZO: I don't understand you mean by "redundant."

REP. REED: That the study is -- that this is not needed, this proposed legislation.

JAMES RANDAZZO: I'm not saying that, and that it's redundant, no.

REP. REED: Okay. Thank you.

REP. NARDELLO: Any further questions from members of the committee?

Okay. Thank -- oh, I'm sorry. Representative Genga.

REP. GENGA: Mr. Randazzo, thank you for your testimony.

As I hear your testimony, what you're trying to do is ensure the integrity of the existing

tmd/gbr ENERGY AND TECHNOLOGY

1:00 P.M.

COMMITTEE

system which is all encompassing and comprehensive for the Metropolitan District Commission. Is that a fair statement?

JAMES RANDAZZO: Yeah, that's fair.

REP. GENGA: Okay. Thank you.

REP. NARDELLO: Thank you very much.

JAMES RANDAZZO: Thank you.

REP. NARDELLO: Okay. And I'm sorry I skipped over an individual, and I just apologize to you.

It's John Moroniti.

JOHN MORONITI: Good day, Senator Fonfara, Representative Nardello, members of the Committee. My name is John Moroniti. And I am the client fulfillment process manager for the United Illuminating Company.

HB5987

I'm here today to offer UI's comments in opposition to Proposed House Bill Number 5052. I thank you for the opportunity to offer these comments, and please note that we have submitted written testimony for your consideration.

UI believes that there are three primary arguments in opposition to this proposed legislation. First and foremost, credit card and debit card transactional costs are significantly higher than currently offered payment options. These higher costs would be subsidized by all ratepayers while the benefits for its use would be realized by a relatively smaller population of customers.

Second, in addition to subsidizing the costs of transaction, ratepayers would also be

Next is Richard Barlow and Andy Dearstyne who come together followed by Representative Orange.

RICHARD J. BARLOW: Good afternoon, Madam Chairman, members of the committee. My name is Richard J. Barlow. I'm the First Selectman of the Town of Canton, and I'm here today on behalf of the Town of Canton to speak on Proposed Bill 586, An Act Concerning a Collinsville Hydroelectric Facility.

I'd first like to thank Senators Witkos and Harris and Representatives Piscopo, LeGeyt and Bye for submitting this bill for consideration.

By way of background, we are talking about two dams that are known as the Upper and Lower Collinsville Dams on the Farmington River. Those dams were constructed in the 1800s for water power. They were converted to electrical generation by the Collins Company in the 1930s, and operated successfully until the Collins Company went out of business in '65. They were then taken over by Hartford Electrical Light, who basically studded the generating facilities, made them inoperable. And then in 1967 transferred the ownership of the dams to the state of Connecticut. They presently are under the jurisdiction of the Commission of Environmental Protection. They both are run-of-the-river dams. In other words, they process the water that comes down to them. They don't hold water. They take what -- what nature and regulated upstream activities would provide.

Over the years, both public and private, including MDC have attempted to secure licenses and move forward to generate energy

COMMITTEE

at these two facilities. The Town of Canton became aware in late 2007 that the FERC license to generate facility -- at these two facilities had been revoked and removed to make a preliminary application to the Federal Energy Regulator Commission for licensing. That application was submitted in August of 2008, it was noticed by FERC in December of 2008, and on January 8th of 2009 the limited license was granted to the Town of Canton.

On behalf of Town of Canton, and our two partner towns, Burlington and Avon -- the lower facility is actually bisected by those two towns, and is not in Canton -- we have worked in cooperation with our two neighbors to try to put forward a green energy project here. The two facilities will generate about one megawatt of power each. And at this point in time, we are processing the application for final FERC permit. And we are also seeking through Congressman Murphy's office to get that final license Congressionally authorized. That process will speed up the inevitable process of us getting a license, probably would save us anywhere up to three years in proceeding with this project.

At this point in time, we thank the delegations for submitting this Act. As a placeholder the two things that were before you today asking for is first, that you direct the Commissioner of Environmental Protection to grant access to those facilities to the -- to the three towns. Specifically we're looking for the right to access the facilities to do further studies to determine the feasibility of the project. We're looking for access to run the dams for hydro generation, and also to control flows at those facilities in accordance with the existing conditions.

COMMITTEE

When we applied for the FERC license, there were two commoners. The first was the Connecticut DEP. They said three things, none of them surprised us. First, they owned the dams; second, that they supported low-level hydro, as we're proposing; and third, that they wanted to see fish ladders on these facilities. Both these facilities currently are impediments to fish passage, as owned by the State of Connecticut. There, to my knowledge, is no effort, at this point in time, to go forward and to put fish ladders on those dams or to breach the dams for the purpose of fish passage.

The program that we're proposing is a clean green energy program, regionally being developed. It will be environmentally sensitive in that we will put fish passage on. It will support recreational benefits to the -- to the river and the towns involved. So we're looking for a requirement that the Commissioner negotiate a contract with us for access. And secondly, we're looking for possible funding for capitalization of this project.

If I might point out we've had had conversations with Connecticut Innovations, and up until the Governor's budget proposal, there was an opportunity that we could get a capitalization loan from the Connecticut Innovations. We're anticipating filing that in July of this year, at which point in time, they felt they would have money available under their program. It would be probably in the range of \$250,000. It would allow us to further study this program and move it forward.

So I'm here today before you, also, asking your consideration to take action to make sure

tmd/gbr ENERGY AND TECHNOLOGY

1:00 P.M.

COMMITTEE

that those kinds of activities are still available and that we're able to come forward with a green energy project that really will provide some diversity to the -- to the mix of environmentally sensitive generating projects that are being considered.

At this point in time, there have been no low-level run-of-the-river hydro projects, and we think that we can preside a model that could be used for other towns to go forward with.

Thank you for your consideration. I'd be happy to answer any questions.

REP. NARDELLO: Questions from members of the committee?

Senator -- Representative Miller.

REP. MILLER: Thank you, Madam Chair.

Now you said the study is going to cost a quarter of a million dollars?

RICHARD J. BARLOW: The -- the next phase that we're looking at is approximately a quarter of a million dollars to do the -- the detail engineering and economic analysis.

I don't think that the study that was being considered here is really necessary at this point in time. This is more or less a placeholder vehicle so that we could have an opportunity to come forward to you and tell you what we really need to move the project. But the Connecticut Innovations grant would be about -- loan would be about 250,000.

REP. MILLER: Have you contacted any of our Universities, for instance, the University of

COMMITTEE

Connecticut is doing a lot of stuff with these centralized generation and biofuels and things of that sort, sometimes they have expertise that you don't even know about, and you won't know until you've contacted somebody in their engineering department, or even Yale.

RICHARD J. BARLOW: Yeah, we haven't contacted them. Really in terms of what's needed, it's really a sites of specific investigation. Certainly the run-of-the-river hydro generation, the techniques are well documented and, in fact, we're fortunate to have on our staff, a town engineer who has done some hydro work previously. So we just need to be able to look at the specifics and --

REP. MILLER: I would think that they'd be, you know, willing to help you, because they'd get some experience out of it and, you know --

RICHARD J. BARLOW: They may very well be.

REP. MILLER: -- it's the thing that's happening to them, you know.

Thank you. Thank you, Madam Chair.

REP. NARDELLO: Thank you, Representative Miller.

Representative O'Connor.

REP. O'CONNOR: Thank you, Madam Chair. And thank you Dick for coming up today.

You know, one of the questions I had is what do you need Legislatively? You know, is there anything prohibiting the Town of Canton from owning and operating a hydro facility?

RICHARD J. BARLOW: Well, right -- right now the dams and the power structures, which are in

COMMITTEE

significant disrepair, are owned by the Department of Environmental Protection. We are entering into conversations with Commissioner McCarthy to execute a document that will allow us to take over those facilities. And what we're currently looking for here is you to aid in making sure that that direction goes forward.

We certainly are not looking to have to pay significant portion of rent for these facilities and we incur a significant amount of liability in doing so. In fact, I would offer that the -- the liability for the facilities, if they were constructed and operated by us would be significantly less than they are today in total disrepair and abandoned. We have had a situation last year where an individual fell off the lower -- the lower dam; and, you know, it may not have happened if it was being run and maintained.

REP. O'CONNOR: So if I understand you correctly, the State DEP would still be the owner of the dam and the property itself, and you would just be the leasee, so to speak, to operate the dam?

RICHARD J. BARLOW: That's correct. That's what we would be seeking.

REP. O'CONNOR: And would the town be hiring the experts or would you be, again, from that point, subleasing to a company that may be in the business of running hydroelectric plants?

RICHARD J. BARLOW: I think as we go forward with both the site-specific engineering studies and the economic feasibility, we're open to whether or not we privatize it or the Town operates it, or how we capitalize. And I think that the options are open at that point

COMMITTEE

in time, and we'll certainly look and see what's available, the best.

REP. O'CONNOR: Okay. And for the construction, or the rehab, is the town and the other entities that are going to benefit, are they the individuals that would be paying for this, or are you looking at general funds, or I should say, bond funds, from general taxation throughout the state to supply that energy?

RICHARD J. BARLOW: We certainly would be eager to get bond money from the state. My biggest fear is that everybody we talk to says this is a wonderful green project that ought to be under the Federal Stimulus package, it ought to be under the State Stimulus package. And my fear is that it's going to be so great that everybody is going to point to somebody else and the capitalization assistance that we're seeking is just going to not happen.

REP. O'CONNOR: Okay. And then just one final thing. As far as the financing, it sounds like, you look for a general bond from the State or Federal entity, you know, as far as getting some of the ratepayers or some of the benefits with that, again, would that help pay off the debt back to the taxpayers or would --

RICHARD J. BARLOW: That would depend how that was structured. Certainly the -- the money capitalization money study, money from Connecticut Innovations is a form of a loan. That loan is, I think, prime plus 2 or 3 percent payable back at either operation or, you know, final financing of the project.

Obviously, we would love to get as much as we can in terms of grants as opposed to loans. The beauty -- the beauty of a hydro project is that we can sit here today and say the cost of

tmd/gbr ENERGY AND TECHNOLOGY
COMMITTEE

1:00 P.M.

the energy generation is going to be the same 50 years from now as it is today! We can't -- we can't say that gas, or oil, or coal, or any of those things that the generating media is going to -- is going to be the same price it is. So, I think, you know, it really is a very good opportunity.

REP. O'CONNOR: Thank you.

REP. NARDELLO: Thank you.

And seeing no further questions from the committee, thank you very much for coming today.

Representative Linda Orange.

RICHARD J. BARLOW: Excuse me, Representative. We also have Representative here from the Town of Avon in support, if you will.

REP. NARDELLO: Okay. I'm so sorry. Did you want to just state for the record or do you have testimony?

ANN DEARSTYNE: No. I want to just state for the record that the Town of Avon fully supports this bill. And like Mr. Barlow had indicated, we do have the lower portion of the dam in Avon and Burlington, so I'm just here to show our support.

REP. NARDELLO: Thank you. We're glad to have that for the record.

ANN DEARSTYNE: Ann Dearstyne.

REP. NARDELLO: Thank you.

Representative Orange.



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE TIMOTHY B. LeGEYT
 SEVENTEENTH DISTRICT

P.O. BOX 153
 CANTON CENTER, CT 06020

HOME (860) 693-8718
 CAPITOL (860) 240-8700
 TOLL FREE 1-800-842-1423

E-MAIL: Tim.LeGeyt@housegop.ct.gov

MEMBER
 EDUCATION COMMITTEE
 FINANCE, REVENUE AND BONDING COMMITTEE
 PUBLIC HEALTH COMMITTEE

Energy & Technology Committee
 Public Hearing Testimony
 Tuesday, February 10, 2009

Good Morning Senator John Fonfara, Senator Robert Duff, Senator Kevin Witkos, Representative Vickie Nardello, Representative William Tong, Representative Sean Williams and members of the Energy & Technology Committee. I would like to thank you for scheduling S.B. 586, An Act Concerning A Collinsville Hydro-Electric Facility, for a public hearing today.

The Upper and Lower Collinsville Dams have a rich history with the Collinsville community. Since their construction in the 1800's and until the disablement of the powerhouses in the 1960's, these dams provided a productive and efficient source of power for the community. Unfortunately, with the sale of the Collins Company complex, the powerhouses were eventually disabled and their power generating capability was lost. Today the dams rest as an unused resource, which I believe we must turn to our advantage, especially in this era of critical clean energy needs.

Collinsville is not alone in its efforts to re-institute the use of these dams for power generation, as we have been working cooperatively with the Towns of Avon and Burlington. Together we have been able to obtain a preliminary license from the Federal Energy Regulatory Commission (FERC) to re-establish these two facilities. With Congressman Murphy's proposed legislation and support, we anticipate the issuance of a FERC final license. This will expedite the licensing period and allow us to begin construction within a year.

What we need now is a commitment from the state to make sure this project moves forward and is completed in a timely manner. I wholeheartedly support the towns request, as stated below, and would be happy to discuss this proposal with any member of the committee at any time.

The Town of Canton requests that legislation be enacted this session to authorize the Commissioner of Environmental Protection to execute an agreement without any compensation to the State of Connecticut or additional costs to the towns of Canton, Avon and Burlington for use by or liability to those towns that allows them to;

- a) Enter upon and conduct physical examinations and studies of the Upper and Lower Collinsville dams and associated structures, including but not limited to power houses and/or gate houses on the Farmington River for determining the feasibility of using the dams and associated structures for hydroelectric generations;
- b) Install, operate and maintain hydroelectric generating facilities and associated appurtenances including fish ladders at the dams and
- c) Exercise flow control of the water at the dams to maximize hydroelectric generation while maintaining minimum flows required by federal and state regulatory agencies.

Thank you for your consideration.

**Testimony of The Metropolitan District
February 10, 2009**

Proposed S.B. Bill No 586

"AN ACT CONCERNING A COLLINSVILLE HYDRO-ELECTRIC FACILITY"

Good afternoon. My name is James Randazzo and I am the Manager of Water Supply for the Metropolitan District. I am here to comment on Proposed Bill No 586.

The Metropolitan District (the District) is a non-profit municipal corporation chartered by the Connecticut General Assembly in 1929. The Metropolitan District is a regional agency that supplies drinking water and sewerage services to a population of approximately 400,000 people in the Greater Hartford Area.

The District provides water service to 12 towns including Hartford, Bloomfield, West Hartford, East Hartford, Newington, Wethersfield, Windsor, Rocky Hill, and portions of Glastonbury, Farmington, South Windsor and East Granby.

The District also operates three dams and two hydroelectric power facilities on the Farmington River.

Flow management of the Farmington River is subject to established rules and policies and involves many stakeholders. The Metropolitan District plays a major role in that flow management, along with State and Federal agencies:

- Flows in the Farmington River are in large part regulated by management of releases from the District's Goodwin Dam, located in Hartland, CT and the U.S. Army Corps of Engineers Colebrook River Dam located in Colebrook, CT. These dams are both located on the West Branch of the Farmington River, approximately 17 miles upstream from the Collinsville Dam.
- The District operates the Goodwin Dam and is required to make regulated releases to the West Branch of the Farmington River in accordance with Connecticut General Statutes, a riparian agreement with the Farmington River Power Company, and an agreement with the Allied Connecticut Towns of Barkhamsted, Colebrook, Hartland and New Hartford.
- Releases from the Colebrook River Dam, immediately upstream of Goodwin Dam are managed by the Army Corps of Engineers and the Connecticut Department of Environmental Protection under the Flood Control Act and the Fish and Wildlife Coordination Act. These agencies make flood control and fisheries releases under existing flow management plans in coordination with the Metropolitan District and its responsibilities. These existing management plans have resulted in a highly successful fisheries program and a healthy Farmington River with considerable recreational activity.
- There is an existing riparian agreement that requires the District to make flow releases of 21.7 billion gallons per year to the Farmington River Power Company which operates an existing hydroelectric facility on the Farmington River at Rainbow Dam in Windsor. The Rainbow facility is located 28 miles downstream of the Collinsville Dam.

The Metropolitan District
Comments on Proposed Bill 586
February 10, 2009
Page 2 of 2

- Flow management at Goodwin Dam requires the release of certain natural inflows within established guidelines. Special Act 444 of the 1949 General Assembly as amended, requires a minimum release of 50 cubic feet per second, (cfs) at all times. During dry or low flow periods, river inflow available for downstream releases may be limited. The District may have to hold water in storage, while limiting releases, to ensure that the 50 cfs minimum can be met through drought periods when river inflows may be less than 50 cfs for an extended period. Minimal flows would be available for hydroelectric operations at Collinsville under these circumstances.
- This flow regime was made part of the study by the Department of the Interior under the Federal Wild and Scenic Rivers program. Management of this flow regime remains a condition of the Wild & Scenic designation.
- The District has operated two hydroelectric facilities on the West Branch of the Farmington River for more than two decades. Successful operation of these facilities is dependent on the District's ability to manage and balance inflows and downstream flow releases within established operating rules as overseen by State and Federal agencies.
- The District's public drinking water supply consists largely of impoundments on the Farmington River and its tributaries. This includes the Barkhamsted Reservoir, which is the largest public water supply reservoir in Connecticut. The District's impoundments on the West Branch of the Farmington River are not currently used for public water supply, but are identified as potential future supplies in the District's State approved Water Supply Plan.
- The District has operated a successful recreation program on Lake McDonough, an impoundment on the East Branch of the Farmington River for more than sixty years. The District operates three beaches on Lake McDonough and also allows recreational boating and fishing. The Towns of Barkhamsted and New Hartford also jointly operate a town beach on the Lake.

The District requests that these issues be considered as part of any study proposed under this Bill. Thank you for this opportunity to comment.

Proposed S. B. No. 586 – An Act Concerning a Collinsville
Hydro-electric Facility
Energy and Technology Committee – Public Hearing
February 10, 2009

Testimony of the Town of Canton:

The Town of Canton supports the intent of S.B. No. 586 an Act Concerning a Collinsville Hydro-electric Facility and offers the following comments and specific recommendations.

The Upper and Lower Collinsville Dams on the Farmington River were constructed by the Collins Company in the 1800's to first provide water power and converted in the 1930's to provide electricity. With the closure of the Collins Company in 1965 the facilities ultimately were acquired by the Hartford Electric Light Company who removed the generating facilities and ultimately transferred ownership of the dams and power facilities to the State of Connecticut in 1967.

Over the years both public and private attempts to re-institute the generating capacity have been proposed. The Town of Canton on behalf of Canton and its neighboring Towns of Avon and Burlington (the lower dam is actually in those communities) has proceeded to obtain authorization from the Federal Energy Regulatory Commission (FERC) to re-establish the two facilities which can generate a total of 2 megawatts of electricity, enough to service 1200 to 1600 homes.

FERC on January 8, 2009 issued a preliminary license to the Town of Canton for this project. The Town has the support of Congressman Murphy who is introducing legislation which would congressionally require FERC to issue a final license. This action will shorten the licensing period by two to three years allowing construction to proceed within the next year

The Town of Canton requests that legislation be enacted this session to.

- 1) Require that the Commissioner of Environmental Protection execute an agreement without any compensation to the State of Connecticut or additional costs to the towns of Canton, Avon and Burlington for use or liability to the Towns of Canton, Avon and Burlington that allows the Towns to (1) enter upon and conduct physical examinations and studies of the Upper and Lower Collinsville dams and associated structures, including but not limited to power houses and/or gate houses on the Farmington River for determining the feasibility of using the dams and associated structures for hydroelectric generations; (2) install, operate and maintain hydroelectric generating facilities and associated appurtenances including fish ladders at the dams and (3) exercise flow control of the water at the dams to maximize hydroelectric generation while maintaining minimum flows required by federal and state regulatory agencies.
- 2) Authorize in an amount up to ten million dollars to the Towns for the capitalization of the Collinsville Hydro-electric project.

PROPOSED S.B. No. 586 – An Act Concerning a Collinsville
Hydro-electric Facility Testimony of the Town of Avon

The Town of Avon supports the intent of S.B. No. 586 an Act Concerning a Collinsville Hydro-electric facility and offers the following comments and recommendations:

The Avon Town Council supports the Town of Canton's proactive approach to refurbishing the existing generators located at the Upper Collinsville Dam and the Lower Collinsville Dam. The upper dam is located in Canton, and the lower dam is located in Avon, and Burlington. The refurbishment of the two facilities will generate service to approximately 1500 homes among the three towns.

Federal Energy Regulatory Commission issued a preliminary license on January 8, 2009 to the Town of Canton for this project. The Town of Canton, Avon and Burlington have the support of Congressman Chris Murphy to introduce legislation that will expedite the issuing of a final license.

The Avon Town Council supports the Town of Canton's request that legislation be enacted this session to:

- 1) Require that the Commissioner of Environmental Protection execute an agreement without any compensation to the State of Connecticut or additional costs to the towns of Canton, Avon and Burlington for use or liability to the Towns of Canton, Avon and Burlington that allows the Town of (1) enter upon and conduct physical examinations and studies of the Upper and Lower Collinsville dams and associated structures, including but not limited to power houses and/or gate houses on the Farmington River for determining the feasibility of using the dams and associated structures for hydroelectric generations; (2) install, operate and maintain hydroelectric generating facilities and associated appurtenances including fish ladders at the dams and (3) exercise flow control of the water at the dams to maximize hydroelectric generation while maintaining minimum flows required by federal and state regulatory agencies.
- 2) Request funding of ten million dollars to the Towns for the capitalization of the Collinsville Hydro-electric project.



Rivers Alliance

of Connecticut

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TESTIMONY: ENERGY & TECHNOLOGY COMMITTEE PUBLIC HEARING
February 10, 2009

Proposed S.B. No. 586 AAC COLLINSVILLE HYDRO-ELECTRIC FACILITY

Proposed S.B. No. 596 AAC THE ENVIRONMENTAL IMPACT OF UTILITIES

Proposed S.B. No. 670 AN ACT PROMOTING HYDROELECTRIC POWER FOR MANUFACTURING.

Proposed H.B. No. 6000 AN ACT CREATING GREEN JOBS

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

Dear Chairmen Nardello and Fonfara and Members of the Committee:

AAC COLLINSVILLE HYDRO-ELECTRIC FACILITY. Rivers Alliance was founded in Collinsville, and hydropower policy is central to our mission. We were original members of the Clean Energy Fund Advisory Board in order, in particular, to have an advisory role with respect to hydropower and water cooling. So we have a special interest in this proposed legislation.

Since the 1990s, we have been in discussion with various stakeholders concerning the Collinsville dams. These stakeholders included the Farmington River Watershed Association, which is unable to be present today. The Executive Director is in Washington, DC, securing money to pursue a Wild and Scenic designation for the Lower Farmington, where these dams are located. (The Upper Farmington has already obtained this designation.) We also have spoken over the years with the previous holder of the FERC license, Duncan Broatch, and with DEP Fisheries. Last year, we sponsored a major conference on hydropower in conjunction with many partners, including the Clean Energy Fund.

The traditional position of river advocates has been to oppose hydropower, because dams are highly damaging to river ecology and river life. In recent years, the obvious need for more emission-free power generation led American Rivers and Green Mountain Energy to establish the Low-Impact Hydropower Institute (LIHI), which certifies high-quality hydro projects as truly green. The general position of Rivers Alliance is that we support projects that have LIHI certification and oppose those that do not meet this standard. *Our particular position with respect to the dams in Collinsville is that the large, upper dam has the potential to be a model hydro facility. In exchange, we believe the small, lower dam should probably be removed or breached. The DEP has found that the lower dam has the potential for removal.*

A design of this sort would create additional clean energy and improve river conditions. The Farmington is the most fished river in the state, a great public resource. It is a lot to ask to sever this large river twice to produce a minimal amount of energy (1.3 MW for the upper dam, 1.1 MW for the lower dam). Not only does this project make use of a public trust resource, these dams are owned by the public, and very possibly the public (ratepayers) will be donating financing through the Clean Energy Fund. So our wish is that this will be a model project that will maximize clean energy and upgrade river health.

THE ENVIRONMENTAL IMPACT OF UTILITIES. Much of our policy work involves dealing with utilities with respect to environmental impacts. These discussions range from contentious to cordial. This committee is certainly extremely familiar with the issues. The intent of this bill is not clear, but if there is an area in which utilities are not being held responsible for negative environmental impacts and are not responsive to calls to improve, we would certainly want to work with you to remedy this problem.

PROMOTING HYDROELECTRIC POWER FOR MANUFACTURING.

This bill appears to be aimed at a particular facility. We recommend caution. Very often small hydro is not good hydro, doing major ecosystem damage with minimal energy production.

AN ACT CREATING GREEN JOBS. Rivers Alliance strongly believes that investment in green jobs is essential to protection of high-quality natural resources. The first step should be protecting the jobs we have already created, for example construction jobs installing solar panels. In the light of Gov. Rell's Executive Order 23, I hope that the legislature and the executive can work together to develop the comprehensive, effective initiative contemplated in this legislation. We would be pleased to cooperate in any way that would be helpful.

Thank you for your admirable efforts.

Margaret Miner, Executive Director

