

Legislative History for Connecticut Act

PA 14-162

HB5500

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

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If not, we'll go back to the call of the Calendar. And, Mr. Clerk, would you please call Calendar Number 257.

THE CLERK:

On page 39, House Calendar 257, Favorable Report of the joint standing Committee on Planning and Development, Substitute House Bill 5424, AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon, sir?

REP. HAMPTON (16th):

Madam Speaker, I move for acceptance of the joint committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's Favorable Report and passage of the bill. Will you remark, Representative Hampton?

REP. HAMPTON (16th):

Thank you, Madam Speaker.

I'm pleased and proud to --

DEPUTY SPEAKER ORANGE:

Will -- will the Chambers please stand at ease.
I don't think that the correct bill number is on the
board.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Okay; so that we are working on Calendar Number
275, Mr. Clerk.

THE CLERK:

On page 39, House Calendar 275, Favorable Report
of the joint standing Committee on Planning and
Development, Substitute House Bill 5424, AN ACT
CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING
COUNCIL.

DEPUTY SPEAKER ORANGE:

My apologies, Representative Hampton;
Representative Hampton, you have the floor, sir, if
you want to move passage of the correct.

REP. HAMPTON (16th):

Thank you, Madam Speaker.

Would you like me to move that again, move joint

acceptance -- acceptance of the joint committee's
Favorable Report and passage of the bill?

DEPUTY SPEAKER ORANGE:

And the question before the Chamber is acceptance
of the joint committee's Favorable Report and passage
of the bill.

Please proceed, sir.

REP. HAMPTON (16th):

Thank you, Madam Speaker.

I'm pleased and proud to present some background
on H.B. 5424, the underlying bill. In this Chamber,
we have the honor and privilege and duty to plan
responsibly, to be good stewards of our state's
future. We strive to plan for our children's
education, our transportation. We plan for housing
and economic development, yet remarkably we still not,
still as a state do not have a plan for the supply,
distribution, quality, protection, conservation, and
oversight of one of our state's most natural
resources, its water.

This fact was brought to my attention last year
when I joined with many House and Senate members from
both sides of the aisle in opposition to a proposed
version from the Farmington River. We joined with

environmental groups in ultimately stopping the diversion.

In stopping the diversion, we were energized and united to put together a comprehensive, long-term, statewide, strategic plan so that moving forward the state will make smart, thoughtful decisions regarding our water instead of operating from crisis to crisis.

Last fall we gathered all the stakeholders, state and local officials, Legislators, state agencies, environmental groups, water providers, academics, business leaders, and members of the public for the first-ever Connecticut Water Summit to brainstorm, exchange information, share ideas, and begin the process by which a statewide plan could be created.

Out of that summit came three working groups that address supply and distribution; quality and protection; conservation administration, infrastructure, and oversight. Their subsequent recommendations resulted in the legislation before us today. The good news is that we discovered that we have the pieces in place to get the job done.

I want to acknowledge the hard-working folks of the Water Planning Council that need our commitment to water planning through passage of this legislation so

that they have the structures, tools, support, and resources they need to get a comprehensive, statewide water plan completed.

Now I just arrived in this Chamber, and I am just a small cog, the latest cog in a wheel that has been moving a long time on a critical issue. I look around this Chamber on both sides of the aisle and recognize that a lot of legislative hours and research and leadership has gone into this over the years.

I want to recognize Mary Mushinsky, Dean of the House, who has led this effort for decades. I also know that Representative O'Neill, on the other side of the aisle, has long championed water preservation and protection issues. So this is for from a Democratic or Republican issue; it's doing the right thing.

The crafting of H.B. 524 (sic) came together in the spirit of good stewardship and good planning. I want to offer our heartfelt thanks to early supporters and proponents, including Mary Mushinsky, Representative Albis, Phil Miller, Rojas, and Steinberg, and special thanks to the Chairman and Ranking Members of both the Environment Committee and Planning and Development Committee for recognizing the merits of this bill in moving it forward.

This legislation goes a long way in creating a dynamic, comprehensive, and strategic, statewide water plan that is far reaching and all encompassing and will incorporate all aspects of water use, including the environment, energy, public health, land use, agriculture, recreation, economic development, and emergency preparedness.

Madam Speaker, the Clerk has an amendment, which is LCO 4720, which I'd ask to please call and I be granted leave to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 4720, which would be designated as House Amendment Schedule "A."

THE CLERK:

House Amendment "A," LCO 4720, as introduced by the Representative Hampton, Gentile, et al.

DEPUTY SPEAKER ORANGE:

And the good Representative seeks leave of the Chamber to summarize. Is there objection; objection?

Seeing none, Representative Hampton.

REP. HAMPTON (16th):

Thank you, Madam Speaker.

This amendment makes a number of changes to the underlying bill. The changes include changing the

date by which the Water Planning Council must prepare the statewide water plan, adds new components to the plan such as requiring that it promote regional solutions and proposed legislative and regulatory changes necessary to implement the statewide water plan, eliminates some water-planning emergency language, adds two additional members to the Water Planning Council, updates the water utility controlling committee statute to acquire that regional water plans take into account environmental concerns.

Madam Speaker, I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of House Amendment Schedule "A."

Will you remark further on "A?"

REP. HAMPTON (16th):

Yes --

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

-- ma'am. Yes, ma'am; thank you.

Just very quickly, on Section 1 it updates the water planning statute to require the Water Planning Council to prepare a statewide water plan with public

input and submit it to the Legislature by January 1, 2018. In developing the plan, it must include a budget, a regionalization identification of planning regions, and securing of data necessary to complete the plan. We need to consider the potential impact of climate change, seek input from all key stakeholders, promote the adoption of a statewide model ordinance, and examine appropriate mechanisms for resolving conflicts.

It is our hope that the ultimate bill, on a statewide basis, identify the quantity and quality of water available for different purposes, make recommendations for technology and infrastructure, identify short and long-term objectives for water planning, and identify potential changes to laws and regulations necessary to implement the plan.

There is a public review process which is required by the Water Planning Council, and the legislative review process and which will ultimately lead to the approval of the plan.

Section 3 authorizes DPH to declare a public water drinking emergency.

Section 4 permits OPM on behalf of the Water Planning Council to enter into memorandum of

understanding with independent consultants for assistance in developing the plan.

Section 5 adds a representative from regional government to the Water Planning Council Advisory Group.

Section 6 requires the water utility control committee plan to specifically include provisions to address the impact of water quality, flood management, recreation, and aquatic habitat issues.

And Section 7 requires DPH to study the feasibility of establishing a general permit for minor engineering projects, such as meter pits, pumps, and electric lines.

Madam Speaker, I move adoption.

DEPUTY SPEAKER ORANGE:

I believe you moved adoption earlier.

And would anyone care to remark on House Amendment Schedule "A," House "A?"

Representative Shaban, House "A?"

REP. SHABAN (135th):

Thank you, Madam Speaker.

I have several questions to the proponent of the amendment that will become the bill, if I may, through you?

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DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman for his work on this effort. He's -- I know he's been engaged in it quite some time with some of the other folks at the, on page 1 of this, but for the sake of the Chamber and -- and some Q and A with respect to the bill and the amendment, I have some questions.

So, through you, Madam Speaker, just starting relatively early in the amendment, we talk about a budget, and the gentleman talked about it before. I think it's on line 14, and it speaks how the Water Planning Council has to basically set a plan and a budget.

Now, through you, Madam Speaker, obviously if there's a budget, there's going to be some money involved, so through you, where is that money going to come from?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Madam, it's -- Madam Speaker, through you --
thank you, Representative.

Currently there is -- this -- this would be done
within current appropriations; there's no new fiscal
impact of this bill.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker, and I thank the
gentleman.

I think that's an important note to, you know, or
it's important fact or input, anyway for, with respect
to the Chamber. Does the gentleman know -- and if he
doesn't, I, it's, that's fine, but again, just for
information of the Chamber with respect to the
amendment -- what is the current budget,
approximately, with respect to water resource
management in the state?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

That is a good question which I do not know the

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answer to, but one of my colleagues probably does. I
can get you that information.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I suspect between
now and when we finish talking about the bill, maybe
that information will bubble to the surface.

But let's continue to move on. Lines 14 and 15,
we note that in the amendment it changed the language
coordinate regional water and sewer facilities' plan
to consider regional water and sewer facilities'
plans.

Now, through you, Madam Speaker, what was the
rationale from weakening, I guess, the language from
coordinating those regional plans to considering them?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

That, Mr. -- through you, Madam Speaker -- that
was recommended through the Plan of Conservation and
Development.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Does the gentleman mean the -- the Statewide
Plan of -- of Conservation and Development?

Through you.

REP. HAMPTON (16th):

That is correct, Madam Speaker, through you.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I know the, the -- the bill is interesting or
the amendment, anyway, is interesting because it -- it
kind of backs away from regional planning but then
kind of jumps back into regional planning. And I
think it's important to note what direction this --
this amendment if it becomes law is going to go on.

Let's -- continuing on in the bill, the Water
Planning Council -- we're still on, you know, page 2,
actually -- had to identify a number of things, a
number of things. And one of the things that I think
is new and probably jumps out to a couple of folks is
in line 26, consider the potential impact of climate

change and the availability and abundance of water resources and the importance of climate resiliently.

Through you, Madam Speaker, personally I think the word "climate change" is probably self-explanatory but not everyone agrees on that. Through you, Madam Speaker, is there a set definition or some parameters on what we mean in this bill or this plan with respect to climate change?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Yes, Madam Speaker. Through you, a lot of scientists have been debating climate change, and there's strong scientific evidence to suggest that our climate is evolving and changing and that we need to address what's called "climate resiliency," the ability of our ecosystems to rebound from possible aberrations in our, in our climate changes, in our, in our weather patterns. So that is why that language is there, to make sure that the state is prepared for all sorts of contingencies and not wait to it's too late to do anything. We want to make sure that we do with all things that we prepare well in advance of the, of

the disaster.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman.

And -- and just to kind of put a fine point on it, so am I correct then in -- in assuming or not assuming in interpreting the language here, potential impact of climate change, that climate change could be whether or not the climate warms or cools. That climate change could be whether or not the tides come up or go down. That climate change could be whether or not we have more rain or less rain, I mean.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative --

REP. HAMPTON (16th):

Through you --

DEPUTY SPEAKER ORANGE:

-- Hampton.

REP. HAMPTON (16th):

Thank you, Madam Speaker.

Through you on to Representative, thank you for the question.

Yes; you know, we're seeing in other states -- Connecticut is pretty fortunate. I think our last drought was 2005, but as we all know, we look to other states where water emergencies do take place, and I think Connecticut is small enough and that we have the tools and resources at our disposal to -- to make sure that we're prepared for those aberrations.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman.

Yeah, I -- I think most of the folks who drove to the Capitol today would find it hard to believe that it's possible to have a drought. I pretty, I pretty much rowed the last five miles to get here.

But I appreciate the gentleman's input on this, because, in fact, the words "climate change" mean just that. No matter what way it goes, the idea beyond this planning document or the planning document that will be created is to let's be prepared; it's not much

more than that. And I, and I think that's important to -- to highlight for -- for the Chamber and for the folks considering the bill.

Moving on, and Item 6 in lines 27 and 28, the Water Planning Council has to seek involvement of interested parties. And that's a, that's a touch vague, frankly, for my taste. And I -- I know when we looked at this in the Environment Committee, I was, I was, had some questions about that, and perhaps we could discuss that now and maybe narrow it or -- or get some insight.

Who -- through you, Madam Speaker -- who do you anticipate being the interested parties with respect to this plan and this council?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, thank you for the good question.

In putting together the Water Summit, it was amazing how -- how many people we discovered would have an interest in this issue, everyone from academics to agriculture to the Department of

Environmental Protection to Public Health to municipalities. We had interest from painters who painted the insides of water pipes, because they wanted to make sure that we're lining the pipes appropriately. We had input from the business community, because the state, all of us wants our state to -- to grow responsibly.

But part of that plan, we want to make sure that if we're going to develop businesses and grow jobs and build schools and new homes, that we have the water available necessary to meet that demand and that in developing and growing, we do no harm to our environment.

So the stakeholders are many, environmental groups, the list goes on and on. So, you know, I was amazed by the breadth of talent and knowledge and expertise that we have. University of Connecticut was a great resource and would continue to be a great resource in putting a comprehensive statewide water plan together.

Thank you; through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman for that response and his work with all, with that, such a wide group. I anticipate that whatever involvement these interested parties have going forward, should this amendment become law, their input will be valued and continued.

Moving on in this prefatory section, the council has to solicit input from the advisory group established pursuant to 25-33(o). So without sending the Chamber into the Blue Books in the back of the room, could the gentleman just highlight for -- for us what that advisory group is and -- and who they are comprised of?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, the advisory group could include any number of the various aforementioned stakeholders, to include public health officials, environmental officials, et cetera.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Is that advisory group existing in -- in law
right now?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, no.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Madam Speaker.

Is the -- that advisor group -- is it limited or
is there some flexibility about who or may -- who may
or may not be on that group?

Through you.

REP. HAMPTON (16th):

There's -- through you --

DEPUTY SPEAKER ORANGE:

(Inaudible.)

REP. HAMPTON (16th):

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

There is flexibility.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Madam Speaker.

Moving on -- same prefatory language in page 2 -- we ask the council to consider the individual water supply plans, water quality stands, and stream flow classifications pursuant to already existing in law.

Now there was some back and forth on some of these stream flow classifications in -- in sessions past. Through you, Madam Speaker, if the gentleman could -- if he knows -- what was the substance of the discussion during, you know, the out-of-session work, at the water -- developing this water council bill about how these stream flow classifications are working or -- or may not be working, with respect to the goal of this bill?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

There was -- through you, Madam Speaker -- there was a great discussion from a variety of experts, and if it's all right with the Speaker to redirect the gentleman to Representative Mushinsky who has more knowledge on that part of the bill, would that be acceptable to the Representative and to the Speaker?

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

I would appreciate that and welcome any input from Representative Mushinsky.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky, good afternoon.

REP. MUSHINSKY (85th):

Good afternoon, Madam Speaker.

Question was, through you, Madam Speaker, on how the stream flow rollout has impacted the discussions of stakeholders; is that correct?

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

That is correct, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Madam Speaker, all the stakeholders that participated in stream flow regulation creation were also in the stakeholder meetings, so a same cast of characters, working very well together in the last eight months to create this water plan bill.

The stream flow regulations have been rolling out, one section of the state at a time, starting with Eastern Connecticut and then moving westward. And the first one-third of the state on the eastern side has completed their comment process.

They invite the stakeholders to public hearings at which everyone can present how they feel the regulations should be finalized. And then the time period finishes and the DEEP adopts the -- the stream flow classifications. So that's happens one section of the state at a time. The stakeholders all take part in the local hearings, and the process is finalized. It is working smoothly and it is based on both data and on-the-ground information that the stakeholders bring to the public hearing to do the final tweaks on the stream flow classification.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And if I may, through I, one more question for Representative Mushinsky. As part of, as part of this bill, as part of the amendment that will become the bill, there's discussion about water emergencies and declarations of emergencies and -- and potential conservation measures that may or may not have to take place.

Through you, with -- with respect to the stream flow classifications and -- and gauging of what the flows are in respective streams, has the consideration of potential droughts and I guess regulation of what stream flow, what -- what the right stream flow regulations will be, have those two issues been joined in any way with respect to the work on this bill?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Madam Speaker, I think all the stakeholders agree that in the times of a drought or

an incipient drought, there will have to be changes in water consumption on a temporary basis in order to keep streams flowing and people's residential and business water supply flowing.

And, for example, in those temporary crisis periods, we will have to stop doing certain things that are, that can be delayed; for example, car washing, lawn watering, for a couple of weeks in the height of the crisis. This is just common sense. We want to save the water for the most critical needs of our businesses and our residents and our environment. And then life can resume back to normal at the end of the crisis.

But we need to have this laid out clearly, the sequence of steps. And one of the things this, that the water plan will eventually inspire is the series of responsible steps that the citizens will take in the midst of a crisis or leading up to a crisis. That's -- that's not in this bill, of course -- this is the water planning bill -- but at some point that is what will happen to make our water resources stretched out so they can supply all the stakeholders' needs in the most rational manner possible.

Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker, and I thank the gentlelady for her responses.

Returning back -- off the stream flow classifications, if I may -- back, I -- I suspect to the proponent, continuing on in the bill. There's discussion of the creation of a Connecticut Model Water Use Restriction Ordinance.

Through you, Madam Speaker, is there a Model Water Use Restriction Ordinance in public indication being used by other states?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Madam Speaker, there is one version of a model ordinance and, in fact, the Town of Greenwich is already using it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

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Thank you, Madam Speaker.

And through you to whomever, the proponent or otherwise, is, are there other, is there Model Water Use Restriction Ordinances outside of Connecticut that were used in connection with this statute or this bill?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Madam Speaker, I don't have them here. Other states in the Western part of the U.S. are no doubt assembling ordinances, but we do have a Connecticut version which is found in the Town of Greenwich; it's in their local regulations.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Yeah, thank you, Madam Speaker.

And it's, those words jumped out at me for, among other reasons, one of the classes I took in law school, actually, was water law as part of my environmental law degree. And the Representative is

right; it's just some of the model, some of the water use acts in different parts of the country reflect different water use customs based obviously on different, the different climates. So I'm always curious to know when states are -- are comparing and contrasting and adopting different water use standards, where they come from, whether they be from a first-appropriations state, whether they're reflecting first-use states or -- or back here basically where water law is not as developed because water generally has been more plentiful. But I suspect that's what we're doing now.

General question, through you, Madam Speaker, to the proponent of the bill or whomever, the, Madam, you think appropriate, just sort of an omnibus question. Most of the language in this amendment which would become the bill speaks to public water supplies and/or the, you know, public need.

Some of the concerns and questions that I heard, and I had and other folks in this debate may raise is how these plans and this council could impact private wells, my well, your well or even a farmer well, agricultural use. Sort of a, it's a high-altitude question, Madam Speaker; how will this plan affect

private wells?

Through you.

DEPUTY SPEAKER ORANGE:

I believe Representative Mushinsky may have an answer for this.

REP. MUSHINSKY (85th):

Madam Speaker, through -- through you to Representative Shaban, we are aware that a third of the state is on private wells, so they're not served either by municipal utility or a regulated utility. And that is the reason why the advisory council includes a public health district and a regional council of governments. We're trying to get all the water users' opinions respected, and the third of the state that is not served by water companies must also be respected and that they have a slot or they actually have two slots on the advisory panel so that their water needs are considered as part of the water plan process.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And through you, how about agricultural uses because, you know, I know a lot of farms actually, in a similar fashion will basically go to ground water to use for irrigation. What role or participation will agricultural uses have in this council or the advisory group?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Mushinsky -- Hampton, sorry.

REP. HAMPTON (16th):

Thank you, Madam Speaker, to the good gentleman.

If I may, actually, before I answer that question, I wanted to clarify something for Representative Shaban that he asked about earlier, with your permission, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. HAMPTON (16th):

Representative, I apologize; I made a mistake earlier, and Mary, Representative Mushinsky mentioned we do currently have an advisory group. But what would change on the advisory group to her point is adding a representative from regional council of governments and public health departments to that

advisory group. So I just wanted to clarify that for you before I proceed.

Madam Speaker, on the agriculture component, that is key to this plan since Connecticut relies heavily on agriculture, and that's why we included in the Water Summit farmers and as -- as stakeholders in the process. And they would be in the summit and planning process and ultimately would be a major stakeholder in developing a comprehensive plan.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman (a) for his clarification on the earlier point. And, yeah, I was looking through the statute and connecting the same dots you were with respect to the changes to the council, and I appreciate your highlighting that.

You know, in the bill I would have liked to have seen a little more emphasis on agricultural use, but I appreciate the gentleman highlighting the fact that, in fact, that was captured in the discussions going in and it's the intent of the group to capture their --

their interests as we continue moving forward with this.

Continuing on in the amendment which would become the bill, in lines 49, we ask the plan, anyway, to incorporate the recommendations for the use of surface and subsurface waters in a manner that balances public supply, economic development, recreation, and ecological health.

Through you, Madam Speaker, once you start talking about subsurface water supply, that's when things obviously get a little murky because you can't see it. Obviously they're experts who know where some of the subsurface water supplies are, where they're going, where the aquifers are, the underground streams, but I think to the average at least land-use component in -- in our towns, I'm not sure they do. Maybe that may; I could be wrong about that.

Through you, Madam Speaker, what input if any did, I guess, hydrological experts have when creating this bill, vis-a-vis subsurface water supplies? You know, were they part of the discussion to try and figure out, you know, what water we may or may not be impacting?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton -- Mushinsky.

REP. MUSHINSKY (85th):

It's a two-person answering service, Madam Speaker.

Through you, the subsurface water reserves are part of the reserves and so they need to be counted scientifically to be accurate. We did discuss during the eight months that we don't have as many gauges for the subsurface as our neighboring state of Massachusetts does, and that might be something that should be included as we go ahead with the statewide water plan, so we have a more accurate month-by-month story on what our ground water reserves look like, as well as our surface water reserves. So the -- the two do have to be considered; they're all part of the reserves.

We have a, we have not the full set of data that we should have for the subsurface, and Massachusetts is a little better off in that regard because they're measuring both. I think we only have four gauges for the subsurface supplies, and that probably should be fixed as we go forward.

But yes, to get -- it's like when you keep your

-- your money in several different bank accounts; you don't really know the true nature of your assets unless you include all your accounts, and water is the same way as money. Some water is held in surface bodies and some water is held in subsurface aquifers, and to get a true picture of the state's water assets, we really have to count all the banks or all the storage places for water.

I also wanted to clarify that agriculture is one of the stakeholders on the advisory committee, and they have been all along, Representative Shaban.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And thank you for the input on the -- yeah, I guess that's existing -- on the existing list, that's why I should have missed notice, and I appreciate that.

With respect to subsurface water supply, what we have in the bank, obviously my concern comes from the fact that many parts of the state, in fact my, almost my entire district are serviced by wells. But we're

also in a watershed area that is, captures a large amount of water for aquarion and the Bridgeport -- used to be the Bridgeport Hydraulic Company -- and obviously reservoirs for a great number of people in our state.

So through you, Madam Speaker, was there at least a conceptual discussion about how to segregate what water is for use of the private landowner or against what water may be considered to quote, unquote, in the bank? And -- and I'll illustrate this by hypothetical. My property, for instance; I own a number of acres in Redding that is, in fact, borders Aquarion land, so my well is tapping the same water, subsurface water supply that undoubtedly fills that reservoir.

And so obviously my concern is, you know, who's going to count what or whose account, to continue with your metaphor? Through you, Madam Speaker, was that taken into account?

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Through you, Madam Speaker, that's a level of detail that we didn't get into, but I think all the

stakeholders acknowledge that the asset is in different places. It all has to be counted.

And one of the big challenges of this group as we go forward is to merge the data that's held in Department of Public Health with the data that's held in Department of Energy and Environmental Protection. It all has to be brought together, scientifically aligned, and we have to have one, final document. That's why, part of the reason why we don't have one yet; it's quite a technical exercise.

But -- but in the end, there will be a single document, and whether the water is stored underground or in a surface impoundment or in a river, it'll all be counted. And at that point we can do the allocation policy, but we can't even do that yet until we know the extent of the asset.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And -- and I appreciate -- appreciate the response. And that's why I -- I raised the issue, because at least the -- the body of water lot that

exists in the part of the country, if I'm tapped into that aquifer, I have almost an unlimited right to use it, whether it's for agricultural or private use -- almost unlimited, with minor exception.

If we are going to move in a direction that could potentially change that, there could be some legal obstacles or at least hurdles to jump over, and I raise that not as a way of criticism but as a way of illustration that I -- I suspect this council will keep that in mind as they move forward in creation of the single document.

Moving on in the amendment that would become the bill, I'm looking at lines 56 through 58 or 59 -- language just jumped out at me -- recommend land use and other measures, including an assessment of land acquisition or land protection needs.

Through you, Madam Speaker, to whomever the appropriate respondent is, now what do we mean by assessment or land acquisition?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, thank you.

And I hate to keep jumping back to some of your earlier points, but you raise some good questions. If I may address some of his earlier remarks about other states plans; is that okay?

Representative Shaban, the, some good models for water planning have been Georgia, Pennsylvania have used good models. But again, the ordinance in Greenwich has a great -- right here in our own state -- has a great example of what we've done to prepare for water emergencies.

But to get to your question, we have to look at water planning holistically, in the, in the large context in terms of where we might develop and where we might not develop. So we work very hard in this Chamber to fund the protection of key open-space parcels, and certainly as we go about protecting key open-space parcels, their adjacent, their proximity to water supplies are taken into consideration, meaning we would not probably want to develop a strip mall, you know, necessarily near a water body that is in -- in jeopardy.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

So and I -- I note the reference to open-space parcels, which makes some sense, obviously makes some sense, I think. There are already private and semi-private and some other agencies or -- or organizations that do exactly that for among other reasons water conservation or water, environmental conservation.

But through you, Madam Speaker, is it anticipated that any such land acquisition would be by way of condemnation?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, by way of what, sir?
I'm sorry; I didn't hear the last word.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Condemnation -- thank you, Madam Speaker --
condemnation, i.e., the state coming in and saying --

REP. HAMPTON (16th):

Oh.

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REP. SHABAN (135th):

-- we are now taking --

DEPUTY SPEAKER ORANGE:

Representative --

REP. SHABAN (135th):

-- your land.

DEPUTY SPEAKER ORANGE:

-- Hampton.

REP. HAMPTON (16th):

It's a bit like eminent domain.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

That is correct, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, no. No, we don't
imagine that at all.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And, again, and I raise that issue because that was one of the concerns that jumped out at folks, saying, well, you know, what are we creating; what are their powers; what do they, what are they tasked to do? I mean, like a lot of government agencies that start with laudable purposes, sometimes they grow beyond the -- it's mission creep is what we worry about. And so I wanted to flag that in this discussion for future use, if need be, that this council is not anticipated to be a vehicle for use of eminent domain but more of a planning, a conservation and planning group.

So continue on with the bill; moving down to lines 111 through 119, basically talking about when this plan, after it's submitted for public comments, submitted back, I guess to the General Assembly, it looks like. We talk about the state water plan shall become effective when adopted by the General Assembly as the state water plan for the state.

And through you, Madam Speaker, as sort of an outline of the -- the paths to the goal line here, is it -- what do you expect to happen or what is the -- the aim of this amendment to get us to a point where we, in fact, have a finalized plan?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, in getting to the plan, we want to maximize as much stakeholder input as possible, including input by the public, and that's why we require of the water planning council to hold at least one public hearing -- I would hope more, because we have distinct regions, even in this, in this small state -- and that we post -- post the plan and summarize the comments and changes, and then move it to the -- the Legislature for its review by the committees of cognizance, which would be Environment, Public Health, and the Planning, Development, and Energy Committee.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

So once all that happens, it goes through public comment, a couple of hearings, comes back to the General Assembly. We put it through the committees of

cognizance; we approve it. It -- then it becomes the state water plan.

What is the enforcement mechanism, if any, for that plan once adopted?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, at this juncture what we're trying to do through this bill is set up the structure and process by which a plan can be adopted. We're careful to use language, similar to the Plan of Conservation and Development, that promotes a model ordinance, i.e., Greenwich, but doesn't mandate but promotes good water planning. But we did not envision any enforcement or mandates thus far.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman for --

REP. HAMPTON (16th):

Through you.

REP. SHABAN (135th):

-- that response.

And I -- I think -- I think that that's important for the Chamber to know that this plan, once and if -- if and when adopted is intended to be a guidance document for use by regional planning organizations in their planning.

I think there's some language later in the bill that talks about councils of government -- used to be regional planning associations -- and let's chat about that in a minute. But it's not a top-down, imposition of you shall do this, you shall do that; it's a guidance document based on research, input, and stakeholders being pulled to the table. So I think that's important, and I congratulate the gentleman and -- and all the people that worked on this for that approach.

Almost done, Madam Speaker; moving on. In new Section 2, lines 139 through 156, I note we're anticipating a certification program for water professionals. Is there, is there a similar certification existing now in the State of Connecticut?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through -- through you, Madam Speaker, to the gentleman, yes, there's a similar -- we're basing this program on a similar program through the DEEP Licensed Environmental Professional Program, and this would review routine requests for changes such as installing generators, reducing vials, and alleviate some of the demand on -- on the department. So there's a good model for it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I agree with the gentleman that the LEP program has been successful in this state and others in assisting our various departments and agencies in doing some of their work.

Moving on into Section 3, same page, moving down; it talks about the potential emergency. Now in the original part of this, the original version of this bill, my recollection is it called for the Governor being able to declare a water emergency, but it

appears that the new amendment or the amendment to the bill has returned to what I believe to be existing law, the Commissioner of Public Health in consultation with DEEP can declare a public drinking water emergency.

Through you, Madam Speaker, if the gentleman knows, why was the, why was it changed back to the original language?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, we wanted to give the Department of Public Health who has, I think, a better expertise in working with a municipality in creating a -- a preparedness plan and perhaps a model ordinance such as the one in -- in Greenwich. And this would allow if -- and, again, not mandatory -- it would allow a municipality to place restrictions on water use and set up different levels of -- it's kind of like the Homeland Security model of pre-emergency stages, different -- Stage 1 is you stop watering your lawn; Stage 2 is, you know, not using the dishwasher past a certain hour. The idea is giving DPH the tools

necessary to work with municipalities to make sure that we don't wait until it's too late, that all aspects of water conservation practices have been addressed.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I do note that the -- the import of this bill is to give or potential to give municipalities, I guess a little bit more authority, a little more ability to implement some of these measures, whether it be by municipal ordinance or otherwise.

Last focus on this bill, Madam Speaker, the new language; it's on-lines 163 to 165 -- and I say it's "new" because it's, that did not exist in existing law under Section 25-32b -- say or it can reasonably be expected to occur without the immediate implementation of conservation practices.

Through you, Madam Speaker, has there been any contours or -- or guidelines discussed about through what -- what this was going to be limited to? And -- and I, reason I raise the question is that I raised

some eyebrows in committee where obviously folks don't want to wait until it's too late. Now there's always a little concern that maybe we're -- we're going to overreact too soon.

So through you, Madam Speaker was there any contours or discussion about what potential guidelines or guideposts there may be with respect to this new language?

Through you.

REP. HAMPTON (16th):

Through -- yes.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, yes. It gives municipalities, again with the Greenwich model, freedoms to develop different levels of -- of crisis, if you will, in terms of -- and gives them leeway in terms of preparing for their own water needs and potential emergencies.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Madam Speaker.

Well, I just note with a little bit of concern that language, because it -- it does raise some concern about, yes, the potential or the possibility of municipalities or for that matter a Commissioner of Public Health to potentially overreact. I -- I don't think that's going to happen, so you know, while I raise my eyebrow in committee and I still, I express some concern now -- I just wanted to flag it for -- for the Chamber and flag it for, you know, any potential future focus on this statute, that perhaps there may be a need at some point to have some triggers before either the Commissioner or a municipality could say preemptively, hey, stop using your water. And, again, this, it concerns especially agricultural uses but obviously folks who are on wells. It's easier on public water supply because all you have to do is, you know, you're piped; you're already piped in.

But with that, I thank the gentleman and the -- the gentlewoman for their responses. I'm going to support this amendment. I'm going to support -- and hopefully it becomes law, becomes the bill. I know some of my colleagues have a couple of questions about

it, but overall I view it as a good step forward in -- in planning and conservation. I think some of the concerns that were -- were appropriately raised in committee -- and you'll probably hear some of them again here -- have been addressed. I think they'll -- they'll be an opportunity as this moves forward today to address some more of them, but I thank the gentleman and thank -- thank you for your leadership and hard work on this.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Shaban.

Will you care to remark further on House Amendment Schedule "A?"

Representative Phil Miller.

REP. PHIL MILLER (36th):

Thank you, Madam Speaker.

I rise in support of this, and, in fact, I -- I don't really have any questions for the proponent. If I did, I would, through you, lob a beach ball for him to hit out of the park.

And I appreciate his efforts to convene such a large group to take on such a worthy challenge so well that I want to just say that over the last, maybe,

dozen years, maybe this new century, there's been a number of events that have given us pause that we should perhaps work on efforts like this.

Some of us remember just a few years ago, back in 2007, the Fenton River, right, that goes to the campus of our state university, UCONN, the river bed dried up and it was problematic during a drought year. And the culprit, we thought was just one or three too many diversions. And that sort of scenario that we were looking at, some folks labelled "death by a thousand straws."

In addition to that, we've had unusual storms of -- of great magnitude over the years that -- several years back -- that have been becoming more commonplace, these unusual precipitation events, and that also caused us to do a task force that looked into our shoreline that the good Representative from East Haven chaired.

And on top of that, we've also noticed that when we plan for water, one of the weaknesses that we had was we had no sort of unified structure of a command structure or decision making; and, in fact, we had several large entities statewide and they were really not conducting business in a way that was harmful, but

it wasn't helpful in planning for all these situations that can come up.

And also, in addition to that, we've been looking at the phenomenon of water, itself. A lot of astute people are saying that water will be to this current century what oil was to last century; and, in fact, many of the savvy investors, world-wide, are buying up large water aquifers because they may have a valuable resource on their hands in the future.

And we never thought that we'd come to this, because I think many of us have always viewed water, especially here in Connecticut, as something that we take for granted because we've always had very good-tasting tap water from our water companies that provide it to us and also the many private wells that we took into account in this.

And so, in short, we've looked at it and come to see that for so many of us, water as a resource is something that we've maybe given a little bit of short shrift to and maybe perhaps have not appreciated as great as we could have.

As the good Representative from Simsbury mentioned, this bill if enacted will be what starts as a very good planning tool, and I would like to

compliment the good gentleman from Simsbury for bringing a wide range of people to the table. He mentioned even some of the people who work on our water infrastructure, the technicians who repair our aging infrastructure, bridges and water pipes that transverse our water resources; their interests are that not only we update and upgrade and safen our infrastructure properly but that it's done by people who are properly trained so that the repairs we make as we move on to updated our infrastructure will hold up well.

There also is something to consider with agriculture. Many of you recognize that historically the Central Valley of Connecticut was a huge producer; in fact, it was the -- the breadbasket of our Continental Army during the Revolutionary War, and it fed the Grand Army of the Potomac during the Civil War. And, unfortunately, we've seen some phenomenon where much of that soil, many of the soils have been tainted through pollution.

The good Representative from Ellington brought the honorable first selectwoman from East Windsor who told us of several neighborhoods that -- that are right in this beautiful brownstone soil that have been

tainted by pesticides and other pollutants, and this is really unfortunate. And hopefully as we move on, we can get better at cleaning up and reducing and reusing some of these things.

But I just want to mention that of all our water resources that we take for granted, we have some outstanding rivers here in Connecticut. And just two of them that are worth noting is, of course, the granddaddy of all the New England Rivers, the Connecticut River. It's a unique river because while it isn't in the top ten, size-wise, east of the Mississippi, it's number two, flow-wise, second only to the Susquehanna. So this river, that's just outside here, is the literally, especially this time of year, a freight train that drains much of New England, nearly 5,000 square miles. And part of that drainage even stretches up into our Canadian neighbors, up to the north.

And so it's an outstanding river source, but it also has been used industrially, and it's doing much better than it did, than it was even a generation ago. So we're making good progress, but unfortunately we've never have back things that are gone for good.

They say that before 1795, there were 42 separate

subspecies of Atlantic Salmon that was native to the Connecticut River. By 1805, all of those subspecies were extinct, gone forever, and we've not been able to, we've not been successful at reintroducing salmon, although we do have good anadromous fisheries in Connecticut with shad, blueback herring, and a number of others, other fish that we rely on.

The other river that I wanted to mention that is just so notable because it's so outstanding is the Housatonic River, especially where it flows through the extreme Western part of Connecticut. In Representative Willis's district, for example, it goes through the calcareous marble and limestone valleys, and it's one of the best world-class trout streams in America and the world. And many people who are fly fishing aficionados travel far and wide to dip their flies in the Housatonic.

The last couple things I just want to mention is that I'm hoping that as a result of this bill and the groups that are going to be planning for the future, that we'll -- we'll do some good, responsible steps, we'll work on education, so that people understand how we can all conserve water. For a long time, all of us thought that the solution to pollution was dilution,

and we polluted in water, thinking that it would just be watered down, literally.

And now we're learning that there's ways that we can conserve water; for example, many people value a very green lawn. And we're finding that when we water our lawns when it's sunlight, that we lose a great majority of that to evaporation. And if we could have a reduction and in rates that would allow for people to water their lawn at night when we don't lose it for, to evaporation and even have different rates of usage that would reward people for their conservation ethic, this is another good benefit, this type of thing that may come out of this type of bill.

And we will still have some challenges. There will be no doubt that in the future we will have some diversion challenges that will come our way. We remember a few years ago there was a plan to divert water to aid our growing student and population at UCONN, and so hopefully we'll have better tools to be able to plan those things better.

And we also are learning more about other threats to our water from pesticides, and also we're, even have had, we've even spoken with lot of realtors who are concerned with sea level rise and how that may

affect a lot of our principle real estate that is within sight of water and very valuable. So hopefully we'll use this tool once this bill is passed as a really good tool to plan ourselves a great future.

And, again, I want to thank the good Representative from Simsbury and the Ranking Member of Environment and a number of other people from this body who have so contributed so well to this. And it's a great bill and it ought to pass.

Thank you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

Will you care to remark further on the amendment before us?

Representative Vinny Candelora; you have the floor, sir.

REP. CANDELORA (86th):

Thank you. Thank you, Madam Chair.

If I may, just a couple of questions to the proponent of the amendment which will become the bill?

DEPUTY SPEAKER ORANGE:

Please proceed. Representative Hampton, prepare yourself.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

One of my -- my concerns that I always have with our planning process is how the -- the State Plan of Conservation will come into play, and I, and I know there were some questions that were already addressed on this issue. And when the water council, in part, looks at, you know, different areas of the state -- I know in here they're supposed to look at different properties throughout the state, I think both for -- for land -- land acquisition or for protection of watershed, in the process of them doing that, I'm just wondering which comes first.

Would this plan be used to have an impact on the State Plan of Conservation or would they be going by the guide of the State Plan of Conservation in making their determinations?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, thank you for the question, Representative.

We imagined it as operating in concert with the Plan of Conservation and Development and -- and not in

-- in conflict. But it's really taking what's in the plan and with a larger focus on water planning as its own entity. But it's a complement and not to conflict.

Through you, Madam Speaker -- yeah, but ultimately the plan, the water plan will be its own entity.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And I imagine most of this that the -- well, I guess let's take it in pieces. So most of the, what is coming out of this committee are -- are recommendations?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, did you say "recommendations," sir?

Through you, Madam Speaker.

REP. CANDELORA (86th):

Yes.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Yes, sir, they're recommendations; correct.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

So then I -- I guess if they identify areas that need conservation, they would make a recommendation as a possibility to the administrators of the state plan, which might be OPM or maybe the respective COGs that are affected in the region, would make recommendations to them in their plan to say these areas should be conserved?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Yes. And -- and it would also be a great tool, especially as we try and grow the state economically to be able to strategize where good, potential economic development should be and where it might be

detrimental to the environment, meaning if you had a large-scale university or entity that was planning expansion but did not have the -- the requisite water supply necessary. So it would just be a tool in how we plan for -- for new economic development, new housing, new schools, whatever.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

And I guess as part of the process, I know there's public hearings that would be conducted and people would give input, and our regional COGs would have that ability to give input through that public hearing process. And I -- I guess also then, it would also be a natural conclusion under this amendment that the planning council would probably also have direct dialogues with the COGs or with OPM in discussions of various regions that -- that, of properties that might be ideal for conservation or protection?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, yes, sir.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I don't have any further questions. I appreciate the answers. And I -- I certainly appreciate the importance of water quality in the state of Connecticut.

In my district, about a third of -- of our town in North Branford is -- is taken up by the regional water authority and supplies the public drinking water to much of New Haven County. And I think it was back in the 1950s that the community was identified as an area that would be ideal for -- for a reservoir. You know, and unfortunately I think part of the impacts of this -- and I, and I think it is a balancing test -- and I see the language in the bill that, referencing balancing of the different activities. And I think it's very, very important that this language is here, because when our community was identified back in the fifties, I wasn't there, but the people that were there do still talk about it.

And the properties were taken, flooded. The downtown green and community there, which was the vibrant part, the central part of our community was eliminated and now replaced by a regional water, a lake. It's a beautiful reservoir, which is unfortunately shut out to the public, so a third of the property can't be accessed for passive recreation in any sense. They open it up twice a year for people to come through and see it. And it's unfortunate, though, that we can't balance the resources with passive recreation that might be deemed appropriate, so I do appreciate the sections in here that talk about that balancing act.

The other piece I think the bill doesn't speak to that I do have a little bit concern is, is the financial impact on the communities, and not just by way of economic development but -- but why -- by way of lost tax revenues. Back in the 1970s, I believe, the State Legislator addressed -- Legislature addressed the issue of creating a PILOT to make sure that our town was made whole and would receive tax revenues for the fact that they gave up so much of their land for water.

And what's happened over the years is there is no

sort of COLA built into those reimbursements, and so over the years less and less tax money is being, is coming out of the water authority and the grand list is needing to be supported by greater economic development. So you have a community now that a third of it has beautiful, unpristine (sic) land. We have a lot of farmland still; it's very rural. Despite being in New Haven County, in the South Central part of the state, it is quite rural.

And what's happened is there's a lot of pressure to now develop those properties. The town, itself, has done a great job of buying up the open space in the Totoket Valley and making sure that that whole watershed is protected. And we' actually utilized the state grant programs in that development.

But what's happened now is I see as we hit these economic times, there is more friction that develops and -- and the town has had a less than amicable relationship. They're -- they're into litigation on this issue of trying to get more tax dollars out of our regional water authority. And so where something has become a great, of great public value to the State of Connecticut, we're now starting to see an adversarial relationship.

And so I just wanted to put that on record, as we do move forward, because it's important. You know, water quality is certainly an important issue. I know with the Farmington River -- and we all know the issues that have gone on there -- it's critical that we address those issues at that part of the state. But I hope this water council also pays attention to the dynamics that are going on in the other, various parts of the state.

I love the fact that my -- my town is -- is so pristine because of the water company's existence, but it is sad to see the pressure that's being put on the community because of the tax base being taken up. And so I wanted to just put that on record.

And I appreciate this legislation. I like the amendment much better than the underlying bill. A lot of the concerns, I think, were addressed, and so I do stand in support.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Madam Speaker.

I will have some questions but just a couple of comments before I launch into the questions.

My involvement with water planning goes back to around 1980. The first elected office I ever held was as a member of the Pomperaug Valley Water Authority, and the mission of that organization at that time was to try to develop a plan for the development and allocation of the water resource that existed in the Towns of Southbury, Oxford, and Middlebury.

And the only town that actually had significant water resources was the Town of Southbury, and that's why we were more concerned, I guess, about how the water would be developed and where it would end up going, since the water mostly came out of a -- there were -- that was generally going to be regarded as available came out of an aquifer. So I spent a lot of time learning about aquifers and about water and recharges and -- and things like cones of subsidence and -- and all sorts of things.

And then in 1981, this Legislature passed legislation that basically created a law called the Water Withdrawals Act, I believe, and basically took all of the authority out of the hands of local

organizations and placed it in the hands of the development -- the Department of Environmental Protection, which was supposed to develop regulations to supervise how this water, these water withdrawals were to be taken and water diversions were to be done.

I became a member of this Legislature in 1988, and a few years thereafter I -- I, a couple years thereafter I became a member of the Regulations Review Committee, and it was only then, more than ten years after the legislation passed that the regulations were brought forward to actually try to implement the legislation to try to provide some sort of registration and regulation for water withdrawals. And -- and I say this just to give an indication of the amount of time.

And it's largely a function not of indifference or laziness on anyone's part, but of the complexity of the issue and the number of people that are involved. What we have to understand as a state is a couple of things: One, we are blessed with, relatively speaking, enormous amounts of water. Unlike other parts of the country, particularly the Western parts of the country and even to some extent, some of the Southern parts of the country, we have huge amount of

potable water.

On the other hand, most of that water in some way of another is claimed by somebody, and I'll give you an example, again, from my own, legislative experience. The Town of Washington, which I represent, has a river flowing through it, the Shepaug River, and there was since the early 1900s a diversion of a large percentage of that river to the City of Waterbury, and a small amount of water was left to actually flow into the Shepaug. And over time, water dams were build, reservoirs were built, and the water was diverted. And people started being concerned about just how much or how little water was left in the river.

This resulted in a negotiation in this Chamber, actually, to a large extent, and around 1921, of a deal that said how -- that there would at least be some water left in the Shepaug River. And this was a deal that was, what one would have thought of as a back room deal, that a bill was going to be killed, one that would have undone the water diversion in exchange for this agreement which was then ratified by the respective legislative authorities in the two towns. So the, what normally would be a back room

deal to kill a bill in exchange for a contract of some kind became a front room deal that was part of the legislative process.

Decades went by, people became I guess somewhat complacent about things; then eventually people started again noticing that the river was very, very low. You could walk across the river in the summertime and that the fish had very few places to hide from the summer heat. This eventually led to this Legislature creating a task force, in the mid-1990s, I think 1996, to study a way to try to resolve this problem, a conflict over the interpretation of this agreement that had been reached between Waterbury and Washington over the diversion of the Shepaug River.

Task force met; everybody thought they had come up with a plan. The technicians, who've been referenced here today, who actually were running the water bureau of the City of Waterbury, sat in on those discussions and -- and came up with good suggestions about how to make it all work, some of which involved turning a valve that no one knew existed.

That unfortunately all blew up and everybody went to court, and five years later and millions of dollars

later in litigation expenses, an arrangement was made, very similar to the original proposal that came out of the task force that I had the honor of chairing. And -- and that was what finally was done to try to alleviate the -- the conflict and to provide for water into the Shepaug River and to still provide adequate access for the City of Waterbury, if it needed it.

And what emerged from those investigations, discussions, and litigation was that there was this huge water diversion going on, I mean in the millions and millions of gallons per day that had been done at a time when there were huge brass foundries in Waterbury and when Waterbury was to the brass industry what Detroit was to the car industry or what Pittsburgh was to the steel industry, and it was a -- a demand for huge amounts of water in order to operate those foundries. The foundries, of course, have all disappeared but the water diversion continued.

One of the problems or the issues that's going to be confronting the folks trying to develop a water plan for the State of Connecticut -- and it's going to be a very difficult one; this may seem innocuous and just good government and we're just planning things -- but the decision about whether or not water flows in

one direction or another, comes out of a river which it may have been coming out of for 150 or 200 years, if that continues it blocks off certain kinds of development that people might want to see or it may allow economic development or redevelopment in a place that has experienced a significant decline.

So this is going to be -- as the situation in Waterbury is just one small example -- and will be replicated, I suspect, potentially hundreds of times across the state of Connecticut as people fight battles over water that will make what happens out West, where people are fighting over things like the Colorado River seem relatively tame.

This is a big deal that we are talking about here. There is a reason why the original effort to develop a plan for water in the State of Connecticut never went anywhere and why the Water Planning Council really didn't get very far. It's because this is a very hard issue to resolve.

Now I do have a couple of questions, and I -- I, by the way, do commend everyone for attempting to develop a new system to try to address this issue, because it is something that we should do. The decision about water probably should not just be left

up to whoever sinks a well first and starts pumping it
fastest.

(Deputy Speaker Godfrey in the Chair.)

REP. O'NEILL (69th):

With respect to the development of the plan, I understand that there's an advisory council, but basically if I, as I read this amendment that will become the bill, the -- the water council consists basically of the Department of Public Health, the Department of Environmental Protection, the Chair of the PURA, and believe the head of the Office of Policy and Management and their various or their designees.

So, through you, Mr. Speaker, I would put that question. Is -- is that the composition of the water council, Water Planning Council?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

-- Speaker, thank you.

First and foremost, Representative O'Neill, I wanted to thank you, again, for your leadership over

the years. And your historical knowledge and perspective is really, really important, and your commentary is -- is great and input is terrific. I really appreciate it.

To answer your question, through you, Mr. Speaker, that is the current makeup of the Water Planning Council.

Through you.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And both the current makeup and then the makeup after, if this amendment passes, under the terms of the amendment, it will be the same list of entities or individuals that will be on the council; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I -- I guess the question I would ask is: Is there any indication or has there been any indication of a stronger commitment to actually produce a plan from these various organizations than has been the case in the past?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, from the get-go, from this past fall of Water Summit and the working groups, there is a groundswell of support from all the stakeholders who really feel paralyzed or inhibited in the process to get the job done. So there seems to be a renewed political will to do it and the right tools at our disposal, and the pieces are in place. Really this legislation pulls them together so we can get a plan crafted with a deadline so that this just does not, that we're not talking about this ten years from now, which would, which would be unfortunate.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And with respect to that deadline, which I believe is supposed to be by, I think it's January of 2017, which is three years, well, two-and-a-half years, roughly, from where we are right now, with respect to that deadline, is there any penalty, any hammer that would force their entities that compose the council to actually produce a plan?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, no. No.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I didn't see one and I -- I was hoping maybe I had missed it.

Now what happens to the plan, as I understand it from reading the amendment is that it's submitted to -- they're three committees of -- or deemed

effectively of cognizance over the subject area. I think it's the Department of -- the Committee on Environment, the Committee on Planning and Development, and I can't remember the third committee, but I'm pretty sure there was a third one. Through you, Mr. Speaker, what are, if the gentleman could help me out here, what was that --

DEPUTY SPEAKER GODFREY:

Representative --

REP. O'NEILL (69th):

-- third one?

DEPUTY SPEAKER GODFREY:

-- Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, it would go to the Committees on Environment, Public Health, Planning and Development, and Energy.

REP. O'NEILL (69th):

So it's actually --

REP. HAMPTON (16th):

Through you --

REP. O'NEILL (69th):

-- four committees.

DEPUTY SPEAKER GODFREY:

Representative --

REP. HAMPTON (16th):

-- Mr. Speaker.

DEPUTY SPEAKER GODFREY:

-- O'Neill.

REP. O'NEILL (69th):

Oh, thank you; so it's four committees.

And then those four committees would have the opportunity to approve or disprove in whole or in part of the plan.

And what happens to the plan if those committees which are going to hold a joint hearing -- well, let me take a step back -- the committees are going to hold a joint hearing to consider the plan. Are the committees going to have a joint meeting to consider the plan or do each of these committees vote separately in the way that, for example, when Appropriations and the, I think, Energy Committee get together to talk about things like LIHEAP; we vote separately on the plan that's delivered to us, or is it going to be all those committees sitting together as they did at the joint hearing, voting together?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, thank you,
Representative O'Neill for the question.

The committees would have 45 days to hold a joint hearing and issue joint recommendations for approval, modification, or disapproval to the full General Assembly. The General Assembly then can adopt the water plan, reject the plan or do nothing. And the plan is deemed approved by July 1 of that year.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And, again, if the committees do not hold the joint hearing that's described, is there -- what happens next if -- if, let's say that hearing is never held? Does the plan automatically go to the General Assembly or does it get stuck at that point?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

That is through you, Mr. Speaker a very good question. And, so through you, Mr. Speaker, just to clarify if for some, whatever reason the Energy Committee just decided not to take part or -- or commit, you're wondering what the, what the recourse would be?

Through you, Mr. Speaker, what the --

REP. O'NEILL (69th):

Well, let me --

DEPUTY SPEAKER GODFREY:

Representative --

REP. O'NEILL (69th):

Let me --

DEPUTY SPEAKER GODFREY:

-- O'Neill.

REP. O'NEILL (69th):

-- try to clarify. Sometimes committees that are supposed to do things don't. And sometimes when it's a very difficult problem is when it's the most difficult to get a committee of the Legislature to take action and -- and we kind of back into decisions around here.

My question is: Assuming that this is going to be potentially a fairly controversial issue -- and

maybe if it's not, then we don't have anything to worry about and we don't really need a lot of rules in anticipation -- but assuming for a moment it's a controversial issue, if, let's say the -- I'll start with supposing the joint hearing never takes place. None of the committees do anything, and in Environment, Energy, Public Health, and -- I keep forgetting the fourth one -- but none of the four committees; there's no public hearing. Nothing is ever done. The plan arrives here; 45 days comes and goes and nothing is done. What happens to the plan at that point?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, as it's written, the committee has, the committees have the 45 days and if they took no action, the legislation as written would allow us as a full body to adopt the plan as is or reject it, do nothing. I think that would lie eventually with this, with the General Assembly.

Through you, Mr. Speaker.

REP. O'NEILL (69th):

Okay.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And then when the -- and I, and as I read the statute, if they do make modifications, then the plan goes back to the Water Planning Council. If they have the hearing and they have a meeting; they vote on it. The plan would go back to the water, the water council; I understand that part.

I -- I did want to make clear, though, that when the -- if the committee does have a hearing and does have consideration and they do have some kind of a meeting, is it true that that is meant to be a joint meeting so that all of the members of all of the committees sit there and vote together as if they were one, big committee?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, to Representative O'Neill, yes, that is the intent.

REP. O'NEILL (69th):

Okay. Thank you, Mr. Speaker, and I thank the gentleman for his answer.

And, again, assuming that the matter gets to the point where the committees have acted in accordance with the statute and the matter comes to the General -
- I'm sorry -- stop.

Assume that the committees have not acted. The matter, as I understood an earlier answer, would in spite of that action still become available to the General Assembly and to the, both houses of the General Assembly for action. Am I correct in that, that even if the committee does not act, it's still under the terms of the statute is something that the General Assembly has to either act on or not act on and that there is a time clock running, again, during which action needs to be taken; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, Representative O'Neill, the General Assembly can take it up. If they reject the plan, the Water Planning Council must resubmit

within 90 days of that rejection. And the committees must approve or modify the plan within 60 days. If they don't act, it is deemed approved.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. And -- and just for clarification purposes, when you, when the gentleman indicates that they act or do not act, is -- is he referring to the -- the committees acting or not acting or is he referring to the houses of the General Assembly?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker to Representative O'Neill, if the General Assembly, the body rejects the plan, yeah, the water, it goes back to the Water Planning Council.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. So but if I read this, if I'm understanding this, if the General -- if the matter comes before the committees, and for the moment let's assume that they did in fact take whatever action was, were called for, they hold the hearing, they have the vote, they approve or disapprove of the plan, it then is -- I'm not sure if it's submitted or it's just deemed to be available for the General Assembly to act upon within a certain amount of time. And as I further understand it, if the General Assembly fails to take any action, then the plan is deemed approved, that that's sort of the final step in the process; is -- is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Thank you, Mr. Speaker, and I thank the gentleman for his answer.

So one way or another, once the water council

submits the plan to the General Assembly, whether the committees take action or don't and whether the General Assembly takes action or don't take action, doesn't take action, the plan will, if no action is taken -- put that way -- if no action is taken by the committees and no action is taken by the General Assembly, the plan will go into effect by a date certain. If I'm not mistaken, it was, like, June 30th or July 1, something like that. Is that correct?

Through you, Mr. Speaker.

REP. HAMPTON (16th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

So if when the plan arrives here people are unhappy with components of that plan, they're -- the committees and/or the General Assembly are going to have to try to take some action to either disprove it or modify it, as I understand it; but that's what the effect is?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Mr. Speaker, that is correct.

REP. O'NEILL (69th):

Okay.

REP. HAMPTON (16th):

Thank you, sir.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

(Deputy Speaker Orange in the Chair.)

REP. O'NEILL (69th):

Thank you.

Now if -- if I could ask, how was this mechanism arrived at? How was it decided that this was the mechanism that the failure to act would be deemed action by the General Assembly?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Yes, Madam Speaker; it's a good question.

What we, what we found in our deliberations and our discussions is that there could be a continuous

loop where this goes round and round without any end and with any resolution. So this kind of sets up a structure by which a trigger is pulled and it's, you know, we have a certain amount of opportunity to opine, change, recommend. But when you lose that opportunity and if -- if recommendations are not made one way or the other, it gets locked in. So it was a, it was really a matter of expediting it and -- and streamlining the process and just getting it done.

Through you, Mr. -- Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

And I thank you, Madam Speaker, and I thank the gentleman for his answer to that.

And I they it's important for the members of the assembly to -- to understand what we're talking about doing here today. Oftentimes it's possible to avoid making difficult decisions by just not taking any action. This is probably going to be a different circumstance, and I don't know of any -- and -- and I'll try putting it to the, to the gentleman from Simsbury -- but I do not know of any other similar situations.

I mean, we do have collective bargaining agreements, arbitration agreements. One could say, conceivably, that redistricting and the plans of redrawing the lines for the Legislature and -- or the General Assembly and as well as Congress follow a somewhat similar kind of tract, although there's a whole other, for the redistricting, there's a whole other mechanism of a commission and then going to the courts if no decisions are made. Inaction by the General Assembly approves the contractual arrangements that have been made by the collective bargaining parties, the -- the labor unions and -- and the Administration.

I'm wondering, though, if there is an example of a similar kind of failure to act basically set up very important public policy as a, in effect, what would normally be an action by the Legislature but inaction in this case will be action that will ratify the decisions that are made elsewhere by the, basically the administrative agencies. Is there another example? Was this system copied from some others' mechanism that we have for making significant policy decisions of this type?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, and we did use a -- a model, and I can't recall at the moment -- I apologize -- the model. But the -- the gist, as you know, is that we've been doing, talking about this so long that the gist of the, that language was to make a date certain that -- that a plan would happen, but I can't think -- I apologize -- of the immediate model that we used. But we thought -- excuse me -- the, I know we did consider the Plan of Conservation and Development as a, as a similar document, which uses the, the same guidelines.

Through you, Madam Speaker.

REP. O'NEILL (69th):

Okay.

DEPUTY SPEAKER ORANGE:

Representative O'Neill.

REP. O'NEILL (69th):

Well, thank you, Madam Speaker, and I thank the gentleman for his answers.

As I understand it, the -- the Plan of Conservation and Development seems like it might be

the model upon which this was based, since it deals with similar types of issues. But the Plan of Conservation and Development is kind of a guideline. This could very easily become the basis of an, set of allocation decisions that could have a very big impact that people are going to have. And I think everyone should be aware of the decision being made here today to set in motion a final decision that will be made about four years hence.

And after the number of years that I've spent in this assembly, I am certainly aware of the fact that we tend to delay making decisions. We tend to push things off into the indefinite future, which usually is a week or month, but that's so far off in the future we -- we assume that we can always come back and correct it or deal with the consequences later, but this is a -- a fairly hard and fast deadline that is going to be coming up a lot sooner than most people currently sitting here probably will anticipate.

And those individuals who are going to come into office in 2015 and then another group in 2017 will have never really had the benefit of this conversation to understand that they are going to have to make fairly quickly for -- when they take office in 2017,

by 2018 -- they're going to have to be making some very quick decisions.

In a short session of the Legislature, they're going to be presented with what probably is an unprecedented decision about how we are going to plan for the use of a resource that is critically important to everybody in the state, to its economic development, to its residential development and -- and one about which it is very difficult.

As my little example about the Shepaug River and the City of Waterbury indicates, it is very difficult in many cases to get any kind of resolution in just normal discourse, so I -- I appreciate the -- the effort. I think it's very ambitious. I -- I think it's long overdue, and I intend to support the amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the amendment?

Representative DebraLee Hovey, of the 112th, you have the floor, madam.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And through you, Madam Speaker, a couple of questions to the proponent of -- are we still on the amendment or the bill?

DEPUTY SPEAKER ORANGE:

The amendment.

REP. HOVEY (112th):

The amendment, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton, prepare yourself.

Please proceed.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And -- and just to kind of frame this is an appropriate way, please -- please know I do not know a great deal about water except what my personal sphere of experience has been. And this is a fairly complicated amendment, so I ask the good gentleman to indulge me.

Through you, Madam Speaker, am I correct in understanding that this Water Planning Council is advisory versus regulatory?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

The Water Planning Council is regulatory -- or
excuse me -- is -- is advisory, is advisory.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And within the context of that advisory role, I
heard the good gentleman earlier answer a question
from my colleague Representative Shaban about who
would be in -- in having roles in advising to this
group. And I don't think I heard the gentleman say
that there would be recreational groups advising to
this council or maybe it was an oversight?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you. Through you, Madam Speaker to
Representative Hovey, it's a good question.

They would not be excluded from the advisory; I
mean recreational use of water is a critical aspect of
fishing and -- and it would be taken into account.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And just for kind of legislative intent, I just wanted to inquire of the gentleman if within the context of recreational use he would also be thinking about passive recreation, such as hiking, biking, horseback riding on water company land?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, lines 212 down the 217 gives a pretty broad brush inclusion of the things that you, the areas that you mentioned, fisheries, recreational interests, endangered species' protection, business and industry; so it covers a wide range. But I'm intrigued by your reference to equestrian, which is yet another aspect to consider.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And I thank the good gentleman for pointing me to that reference. It does say recreational interests, and we in the equestrian world do believe that we are part of that passive recreation group, and we would hope that this advisory group would keep us in mind as we move forward.

The equestrian world has been doing a lot of education around equine use of land and the fact that equestrians and equines do not consume any animal byproducts; they are grass eaters and therefore should be considered to be basically land-traversing animals along with deer and everything else that might be traversing across land that water companies -- and may own or communities that are, the reservoirs, et cetera.

So I'm, I am putting this out there for the gentleman's consideration and to kind of tweak his interest and -- and hopefully his memory as this group becomes organized and moves forward, because I think that from our perspective, we've not been able to make inroads in that arena, and every day there are lands that are becoming closed off from us but have been

typically used for this kind of recreation for
hundreds of years.

So with that, also, Madam Speaker, I'd like to
ask the good gentleman as -- as this advisory groups
move forward, would they be looking at the issue of
water and this idea of monopolies buying large amounts
of our land that has been used for passive recreation
and then making it not available to the good citizens
of the state of the Connecticut for the uses that it
has been used for, for hundreds of years?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, I'm not sure I
understand the question, if she would clarify it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

The question was: Would this advisory group
possibly be looking at the kind of overall concept
that there we have lands that may be wet and have

water, that have been used for passive recreation for many years that are now being not, made not available for that any longer. And might they become advocates for that passive recreation use as part of their advisory role?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Awesome, Madam Speaker.

With that having been said, the other issue that I see that this piece of legislation addresses is the issue of conservation. And we all know that water travels great distances. And as an individual who is very concerned about conservation and the ecology of our lakes, woods, and streams, one of the things that I have become increasingly concerned about is the paving of trail systems which are close to water, actual open water or maybe on, close to aquifers so that water moves through. And as we all know,

pavement has fossil fuel as an element to it, so might this advisory council consider looking at alternative surfaces for trail systems throughout the state of Connecticut?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Through you, Madam Speaker, thank you for that excellent input.

Yes, that -- and the good news is we will have the -- the brainpower and a resources around the table to address those common concerns that we have in all of our communities, regarding our -- our trail systems and what we do to them, and how, what we do or don't do affects water, so water that is adjacent.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

So through you to the good gentleman, might this group have the intellectual umbrella, you know -- I'm not sure -- that individuals who might have interests

in alternative surfaces, such as looking at the viability for stone dust to be used as a surface for trails or something called Flexi-Pave that might be used on our trail systems throughout our state and -- and really possibly putting their recommendations forward to those regulatory bodies? Would that be a role the gentleman sees this group having?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Yes; again, through you, Madam Speaker, absolutely. And as you can see in the legislation, the advisory group has suggestions of who could be on there. But we would welcome equestrians, perhaps yourself, or we have great universities at our disposal, including the University of Connecticut, experts who would help us on some of the recommendations you're talking about, because all of our districts have the same concerns. So it's -- it's terrific input, which I really appreciate.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker.

And Madam Speaker, I thank the good gentleman for his tolerance, and I appreciate the fact that this group is being organized. I think that as a member of a private, of a recreational group, a passive recreational group across our state, we've been frustrated with the inability to find an audience to hear our concerns and to take those concerns seriously.

And the fact of the matter is, is that we are out in those woods, you know, along those streams on animals that were made to tread upon our lands, and we have a lot of value to the state that we really believe a group like this could take advantage of, and so I thank the good gentleman.

REP. HAMPTON (16th):

Thank you, Representative.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further on the amendment before us?

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

Madam Speaker, first I'd like to thank the proponent and those who worked on -- on this bill and this amendment. I've received many e-mails from the proponent. I'm a, he's -- I'm a fellow Representative that borders the Farmington River, so I appreciate him keeping me apprised of what was going on and -- and all his hard hours of work on -- on this whole issue.

I have some concerns about the bill. I -- I was some -- along the lines of Representative Candelora with some central agency maybe having some sort of dictate over our development in our local towns, you know, that kind of thing, having to go through another set of red tape, so to speak. But I understand the reason for this bill and -- and it seems -- I wish, I wish it treaded a little lightly.

But -- but I do have a quick question to the proponent; he's been asked this before, so I beg the whole Chamber's indulgence. The Ranking Member was asking him on line 25; it's subsection 5. These are, this is among the list of the items that the new council, this, the new makeup of this council has to take into account, and it's to consider the potential impact of climate change.

I -- I heard the answer earlier but I'm wondering if -- if the proponent would please indulge me on a, on an explanation on -- on subsection 5 of this.

DEPUTY SPEAKER ORANGE:

Representative Hampton.

REP. HAMPTON (16th):

Thank you, Madam Speaker, and thank you, Representative Piscopo. Good afternoon. Thank you for your input and question.

Climate change can cover a wide variety of areas, as we see in different parts of the country extreme weather emergencies, drought in other states. Climate change is something that we need to take into consideration with any, with any plan. I mean, I looked to our own Farmington River, where some summers were in peril or they use words similar to that effect, that it's compromised because of -- of dry conditions, so -- or -- or climate change could be considered, I know by -- by some other folks as global warming.

But on the smaller, more immediate scale where we talk about climate change, really I'm thinking of a drought, particularly that luckily we haven't had a prevalence of in this state, but there's always that

possibility.

So through you, Madam Speaker, that's really what I referenced to climate change and where we talk about climate resiliency, how we enable our ecosystems to rebound from weather aberrations.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker, and I thank the gentleman for his answer; I -- I think it's important that we get that kind of answer in the record, and -- and it was a good answer. I appreciate that.

I worry that the language is a little too loose; it, as the gentleman mentioned in answering me, that some may interpret this as global warming. It may, they may take into account, for instance, the -- the Intergovernmental Panel on Climate Change sponsored by the UN, which is, which shows catastrophic climate changes that's been pretty much debunked, in my opinion, by -- by e-mails and the science. And science has pretty much debunked those findings, the -- that were based on East Anglia and I think the university, Penn State. So I worry about this panel

using maybe the wrong model, maybe interpreting this loose language more often.

It's addressed further on in the, in the -- in this amendment, in line 51. And I think this is -- I wish it was, I wish the language in line 25 was more like the language in -- in 51; recommended steps to increase the climate resiliency of existing water resources and infrastructure. I think that covers it.

We could, we could plan for drought. We could plan for a huge storm event. And we always should plan for extended development, something that UCONN didn't do. We saw UCONN 2000, UCONN 21st Century, and now this new reiteration of UCONN, huge development, and it's taken the aquifer and existing water supplies, and they didn't plan for that. So I understand that and that's -- that's the kind of planning we should do.

And when talking about climate, it should be more of a climate resiliency. This, the word climate "change" is used too much with, well, too -- too close to the words "global warming," and some people may interpret it wrong with that language.

I wish that -- and you know, I wish that they -- they -- there's many different models. There's the

Harlan model on the Nongovernmental Panel on Climate Change. There's world-renowned scientists they could take into consideration, De Mayo, Lindzen, Spencer, Michaels, Baliunas from Harvard. There's scientists right here in Connecticut, from the University of Hartford, Professor Gould; from Southern, Barrante; meteorologist, the climatologists Art Horn and -- and Dupree; those guys are just great. And -- and I hope that they do, take a more balanced look on this.

I will offer an amendment, Mr. Speaker. The Clerk is in possession of --

DEPUTY SPEAKER ORANGE:

Excuse --

REP. PISCOPO (76th):

-- LCO --

DEPUTY SPEAKER ORANGE:

-- me, Representative Piscopo; we are still on Amendment Schedule "A."

REP. PISCOPO (76th):

Thank you, Madam Speaker.

I do have an amendment that I would like to offer, just to get rid of that one line. I think -- I think the way we --

DEPUTY SPEAKER ORANGE:

But we're -- we're an Amendment "A," so --

REP. PISCOPO (76th):

No, I know. I understand.

DEPUTY SPEAKER ORANGE:

-- we have to --

REP. PISCOPO (76th):

It would be --

DEPUTY SPEAKER ORANGE:

-- adopt this, first.

REP. PISCOPO (76th):

-- my intention in the future to maybe offer an amendment, but --

DEPUTY SPEAKER ORANGE:

See you in a bit.

REP. PISCOPO (76th):

Yeah, okay.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you.

REP. PISCOPO (76th):

And I want to thank the Chairman for his answer.

DEPUTY SPEAKER ORANGE:

We -- will you care to remark further on House Amendment Schedule "A?" Will you care to remark

further?

REP. MUSHINSKY (85th):

Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Madam Speaker.

I wish to join Representative Hampton and thank him for his hard work pulling together the Water Summit in, last October, which was great, because he arrived here, got hit with a proposed version, and immediately said let's bring together all the stakeholders and try again to have a statewide water plan. And I'm glad for his energy and his persistence.

There have been many efforts to pass a statewide water plan and a number of legislative fights over the Shepaug River and the Fenton River. If you go back in the statutes, you can actually find the Legislature directed a formation of a state water plan in 1967; that's 47 years ago. It was after a particularly nasty drought, and the Legislature was spurred into activity.

And the -- the agencies on the Water Planning

Council have been working together since 2001; that was 13 years ago. And as Representative O'Neill has noticed and commented on, a length of time has gone by since these instructions and still we don't have one. Principally the reason is, I believe, lack of planning staff at the agencies that had to do this assignment; it's a lot of technical work, and so we've had data in different agencies but it's not been brought together, not common data, which is what you need to make policy.

We do have a Governor's endorsement of a statewide water plan and I thank him for that. And for the first time -- this is why I want to respond to Representative O'Neill -- for the first time we have deadlines for creating the plan. We have a process by which it will be adopted. We have legislative sign-off on the plan and ability to adjust the plan as needed. And we also have the academic support of UCONN, who hosted a conference on this issue back in February.

I just found out yesterday that UCONN has already sent one of their top scientists to work with the state DEEP to start aligning the data and that he'll be here a couple days a week, starting to work -- work

to bring the data together. This is a really wonderful thing, and the -- originated really from the stakeholder process.

Another some point -- Representative Shaban asked about the manpower to do this job -- at some point in the future, the agencies will have to hire consultants for the technical assembly of the data.

And another part of this bill will allow the agencies to put all their group intelligence to work on the plan. Because we will be diverting off some of the licensing work to water professionals, some of the work that used to take up the staff time over tedious, repetitive licensing will now be done by licensed water professionals. And that leaves the big jobs on policy that can be done by the experts in the field in the respective agencies.

It's -- it's important to realize that although Connecticut has plentiful rainfall compared to our states in the West, and today we have a particular overabundance of rain, as other speakers have noticed, still Connecticut suffers regional shortages and seasonal shortages and conflicts, particularly in August and September. As the number of days over 90 increases in the state, which we do have that

projection, and as the rainfall events change in nature, we do expect to have to make changes to our water plan accordingly, otherwise our constituents will not be well served.

So this amendment which will become the bill will bring some intelligent planning and conservation and prepare for allocation among competing needs. And once this plan is in place, Connecticut will have a sustainable water resource, and we will be able to advertise ourselves as the state with a water plan, making us attractive to economic development and residents.

I'd like to thank Environment Committee Co-Chairs, Representative Gentile and Senator Meyer for backing the work of this stakeholder group, and especially Representative Hampton for his good-natured perseverance and keeping all the stakeholders together so that this final amendment could be, could be brought forth to the Legislature.

I hope that we will not, I hope that we will not miss this opportunity. We've waited 47 years for a water plan; this is our chance to finally get one, and I hope we have bipartisan support on this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Would you care to remark further on House Amendment Schedule "A?" Will you care to remark further, Representative Hampton? Would you care to remark further?

REP. HAMPTON (16th):

No.

DEPUTY SPEAKER ORANGE:

You're all set?

REP. HAMPTON (16th):

I'm all set.

DEPUTY SPEAKER ORANGE:

Would you care to remark further on House Amendment "A?"

Representative Steinberg.

REP. STEINBERG (136th):

Thank you, Madam Chair.

I rise in support of the amendment. This bill, of amended will represent a critical milestone for the State of Connecticut, at the rate we're going, an even longer milestone than perhaps I'd expected.

It reminds me, naturally, of the Comprehensive Energy Strategy we just passed a year ago. Think how

far we progressed. I can't even imagine life now without having a Comprehensive Energy Strategy.

And think about just how important the subject of water is, how it affects us in so many ways, whether it has to do with health and safety, conservation, recreation, agriculture, commerce. It touches us in so many ways, so it is no wonder it has taken us so long to -- to style a plan to -- to encompass all these diverse interests.

I -- I just want to add that -- thanking Representative Hampton -- that he has taken on a very large task that began last fall with the Water Summit. And it's interesting to note that the, that UCONN, itself, has taken on this task as well, and we count on them as a partner as we move forward in the planning process, along with so many of the others.

I view this as an imperative because we are very fortunate in having abundant water resources currently. We have not in the same state as many of the -- the Western States that are dealing with these issues on a daily basis. I would argue the -- the importance of getting this plan done in the short term will put us in good stead, should we ever have the kind of crises that these other states have faced.

And I encourage you all to support this amendment and this bill to -- to get us on the path to determining our own future before we have a problem.

Thank you, very much.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would you care to remark further on House Amendment Schedule "A?" Will you care to remark further on House "A?" Will you care to remark further on House "A?"

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay.

The Ayes have it. The amendment is passed.

Will you care to remark further on the bill as amended?

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

The Clerk has an amendment, LCO Number 4746.

Will the Clerk please call and I be allowed to

summarize?

DEPUTY SPEAKER ORANGE:

Will the Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

We'll come back to order.

And the Clerk is in possession of LCO 4746; would he please call.

THE CLERK:

I'm sorry; I do not have that.

DEPUTY SPEAKER ORANGE:

LCO Number 4746, which will be designated as House Amendment Schedule "B."

Thank you, Mr. Clerk.

THE CLERK:

House "B," LCO 4746, introduced by Representative Piscopo.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Is there objection?

Seeing none, hearing none, Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker and thank the Clerk for that. I -- I -- it -- what the amendment simply does is take out sub 5 of Section 1, the language that I questioned the proponent on lately; our error. It's just, it's -- I think it's just too vague. I -- I -- I'm a friend of this amendment; I'm a friend of the proponent, so I move adoption.

DEPUTY SPEAKER ORANGE:

The question before this Chamber is on adoption of House Amendment Schedule "B." Will you remark on House Amendment Schedule "B?" Will you remark on House "B?"

Representative Steinberg.

REP. STEINBERG (136th):

Thank you, Madam Chair.

I think I understand the intent of the good Representative's suggested amendment to this bill, but I hope we do not confuse in this instance the causes of climate change with climate change, itself. I recall rather vaguely from my studies many years ago that we studied the Ice Age, and the Ice Age doesn't exist anymore, but at one point in time the earth was very different than it is today. So I submit we would

all have to agree that the climate does change over time, and we should be prepared for it. We can have a conversation at some other juncture, ideally maybe next session, as to what are the causes of climate change and what role man and may play in that.

But I think it's very important that climate change is included in this bill because it is part of a comprehensive plan. We must anticipate and address changes, that whether they be sea level rise, flooding, or drought which may affect our state, so I think it's very important that climate change is in here, because we would not have a comprehensive plan unless climate change is at least alluded to in the context in which it appears in the bill.

So I urge my colleagues to vote down this amendment, as well intentioned it might be, and let's put off the conversation about the causes of climate change for another time.

Thank you, very much.

DEPUTY SPEAKER ORANGE:

Will you care to remark further on House
Amendment "B?"

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Madam Chair.

I would respectfully urge rejection of the amendment, and I'll tell you why. First of all, the water industry is already considering the potential impacts.

I was at their conference, their annual conference last year, and they had a climate person in there discussing the potential stresses on the water systems and showing in the out years how many more days might be over 90 degrees and how they might deplete the resource. And he was trying to get the water companies to have some long-range planning on that possibility.

Now, if you look at the language, we're not saying definite impacts; we're saying consider the potential impact of climate change on the availability and abundance of water resources and the importance of climate resiliency. So this is just asking our stakeholders to look at the potential impact.

We're not saying it is or it isn't; we're just saying look at it. It might impact water resources. That's our responsibility to prepare for the future. The water companies, themselves, are already looking at this, so it'd be a mistake to delete it.

And I urge a rejection of the amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further on House
Amendment Schedule "B?" Will you care to remark
further on House "B?"

Representative Sawyer, of the 55th.

REP. SAWYER (55th):

Thank you, Madam Speaker.

I stand in support of this particular amendment.
Because of the great controversy that has arisen over
the terms, the different sciences on what we consider
our climate change, global warming, and so on, so
forth, I don't believe it has any place in this
particular bill. If you take it out of the bill, it
doesn't mean that the Water Planning Council couldn't
discuss some of the issues surrounding it, but I don't
believe it has a place in this particular bill as it
stands, so I will be heartily supporting this
amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further on House "B?"
Will you care to remark further on house "B?" Will
you care to remark further?

The Chamber will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

Representative -- the Chamber will come back to
order -- Representative Aresimowicz, for what purpose
do you rise?

REP. ARESIMOWICZ (30th):

Madam Speaker, I request when the vote is taken,
it be taken by roll.

DEPUTY SPEAKER ORANGE:

Representative requests that the, when the vote
be taken, it be taken by roll. All those in favor,
please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. When the -- the 20
percent has been met -- when the vote is taken, it
will be taken by roll.

Will you remark further on House Amendment
Schedule "B?"

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

I wish to withdraw amendment, the amendment in
front of us.

DEPUTY SPEAKER ORANGE:

The request is to withdraw the amendment before
us. Is there objection to withdrawal of the amendment
before us? Is there objection?

Seeing none, hearing none, House Amendment
Schedule "B" will be withdrawn.

Thank you, Representative Piscopo.

Will you care to remark further on the bill as
amended? Will you care to remark further on the bill
as amended?

Representative Adinolfi? No; okay.

Will you care to remark further on the bill as
amended? Will you care to remark?

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

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please come to the Chamber immediately.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

If all the members have voted, please check the machine to be sure that your vote is properly cast.

If so, the machine will be locked. And the Clerk will take a tally, please.

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5424 as amended by House "A."

Total number voting	140
Necessary for passage	71
Those voting Yea	133
Those voting Nay	7
Absent, not voting	11

DEPUTY SPEAKER ORANGE:

The bill as amended passes.

Will the Clerk please call Calendar Number 68.

THE CLERK:

House Calendar 68, on page 3, Favorable Report of the joint standing Committee on Veterans' Affairs, House Bill 5294, AN ACT MAKING TECHNICAL CHANGES TO

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GENERAL ASSEMBLY
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**PROCEEDINGS
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On Page 22, Calendar 538, Substitute for House Bill
Number 5424 AN ACT CONCERNING THE RESPONSIBILITIES OF
THE WATER PLANNING COUNCIL. Favorable Report of the
Committee on Environment.

THE CHAIR:

Senator Meyer, good evening.

SENATOR MEYER:

Yes, Madam President, I move acceptance of the Joint
Committee's Favorable Report and passage of this
important bill.

THE CHAIR:

Motion is on acceptance and passage in concurrence.
Will you remark, sir?

SENATOR MEYER:

Madam President, there is a strike-all Amendment,
which is LCO 4720. May it please be called and I be
given permission to summarize.

THE CHAIR:

Mr. Clerk. We don't have that. Senator Meyer.

SENATOR MEYER:

Yes.

THE CHAIR:

Say the LCO number one more time please? The LCO
number, sir?

SENATOR MEYER:

The LCO is 4720.

THE CHAIR:

4720. 4720.

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SENATOR MEYER:

It's a House Amendment.

THE CHAIR:

It's already been amended by House Amendment "A", sir. You don't have to call the Amendment again.

SENATOR MEYER:

I apologize. You'd think after 10 years I'd know what I'm doing.

THE CHAIR:

No, that's okay, sir. It's the end of the evening.

SENATOR MEYER:

Madam President, so I really move acceptance of the bill in accordance with the House of Representatives.

THE CHAIR:

Motion is on acceptance and passage in concurrence with the House. Will you remark, sir?

SENATOR MEYER:

Yes. Colleagues, we have a tremendous amount of water in Connecticut but we don't have a water plan and what this bill does, it creates over a period of time a water plan for Connecticut, in which we will be for example, identifying appropriate regions in the state for comprehensive water planning, will be considering the potential impact of climate change on the availability of water, will be considering individual water supply plans, water quality standards, water contamination issues.

So this bill, which is a bipartisan bill as you can see from the jacket, is important for Connecticut and will really lead to what we will be doing with the channeling of water in the years to come. I urge its passage.

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THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. A couple of questions to the proponent, through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Mr. President. Through you, is this just a plan that will be adopted by the Water Planning Council and then be reviewed by, I assume, various agencies when somebody applies for some sort of a permit to see whether their activity would be consistent with the plan? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President, that's exactly right as Senator Chapin describes it. The permit will have to be consistent with the purposes of the water plan.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President, and again, through you, does the plan actually come back to the General Assembly or the Environment Committee or Public Health Committee or any committee of cognizance? Through you, Mr. President.

THE CHAIR:

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Senator Meyer.

SENATOR MEYER:

Yes. Through you, Mr. President, there's quite a bit of due process written in this, Senator Chapin. There must be, in accordance with the prescription of the bill there must be a public hearing. There must be an advertisement of that public hearing and then by January 1 of 2018, the plan must be submitted to the Energy Committee, the Environment Committee, Planning and Development and Public Health for their approval or revision. And after that, the bill says it will be submitted to the Governor, so it goes to those four relevant committees.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, in reading the summary it says, under the bill the State Water Plan becomes effective when the General Assembly adopts it or is deemed approved if the General Assembly fails to act on the plan by July 1, 2018.

I assume if we disapprove the plan, then we would probably send it back to the Water Planning Council for another try? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Implicit in the bill, Mr. President, is just what Senator Chapin's saying, that if it's disapproved it will go back to the Council for revision and then re-submission to the committees and to the General Assembly.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. I thank the gentleman for his answers. I support passage.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Will you remark further on the bill? I'm sorry, Senator Kane.

SENATOR KANE:

No love from you, Mr. President. Thank you, Mr. President, I rise for a couple questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Mr. President. Through you to Senator Meyer, did we never have a plan in place in all this time? Is this a new issue that we're requiring this plan by 2017? Had we not prepared anything for this prior? Through you, Madam, Mr. President?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah, through you, Mr. President, to Senator Kane. My information is that we've never had a statewide comprehensive water plan. We've had water plans in several regions. The Water Planning Council actually is very small. I think right today it only has three staff members. It's really incapable of doing a comprehensive plan and this bill incorporates a larger staff to do the plan.

THE CHAIR:

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Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I think the underlying bill says it has no fiscal note, and you just mentioned how small the Council is. It's your feeling that this Council will be able to submit and prepare and handle this plan within available appropriations without any additional costs, whether it be people or product activities, research, anything like that? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President, to the good Senator, this bill specifically says within available appropriations because two relevant committees here, I'm sorry, two relevant departments here, the Department of Energy and Environmental Protection and the Department of Public Health informed the Environment Committee of the General Assembly that they have existing staff that using existing resources, they can do this plan within a reasonable period of time.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President, and I think I remember, and I don't know whether it has to do with this or not, but I'll bring it up, the Hartford Courant article about the University of Connecticut and issues with water. Does this have anything to do with that? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Yes, through you, Mr. President to Senator Kane. Absolutely. I think that the water problems of UConn and the Farmington River contributed to this bill coming before us this year.

THE CHAIR:

Senator Kane.

SENATOR KANE:

And thank you, Mr. President, and I'm not sure if you're familiar with some of the issues that affect also the Housatonic. Are you familiar with that as well? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, I have no specific information except hearsay information that there is a contamination problem in the Housatonic River.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I thank Senator Meyer for answering my questions and I look forward to passage of the bill.

THE CHAIR:

Thank you, Senator. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I, too, have a few questions with respect to the bill that's before us.

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As I understand water policy in the State of Connecticut, a lot of it falls within the purview of the Department of Public Health. I don't recall this bill coming before the Department of, excuse me, the Public Health Committee, though I don't think that's a mandatory referral.

So this is really the first time I'm kind of setting my eyes on the language that we have before us, and I guess the first question I have, which is more of a global question, when we talk about a state water plan, are we talking about how the various water companies need to work together to share resources? Are we talking about encouraging consumers to conserve or re-use resources?

Perhaps you could enlighten me, Senator Meyer with respect to what exactly are we referring to when we talk about a plan?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, the bill actually went before the Environment Committee. It was approved there 27 to 1 and then went to Planning and Development and was approved there 18 to nothing.

And with respect to the purposes of the water plan, it's each one that Senator Welch has mentioned, together with a number of other purposes in the water plan.

I mentioned them before. We're looking for example at analyzing water supply by regions in the state. We're looking at, as I mentioned before, the potential impact of climate change and sea level rise on the availability of water, and we're looking at a whole bunch of other factors including water quality standards, stream flow, water utility and we're trying to make our water plan consistent with the State Plan of Conservation and Development.

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Those are some of the purposes including, Senator Welch, what you mentioned.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Well, the Council and the other members that are going to be added to the body that will be proposing changes, will they also be considering water from say, nearby regions in other states like New York, Massachusetts, Rhode Island as well?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, I don't recall in the bill any direction or mandate that other states have to be consulted. Typically, to the extent that Long Island Sound is involved, we will consult with New York and Rhode Island, but there is no, to my recollection from reading the bill many times, I don't recall any mandate to do that.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. And not to get too controversial on our last few hours here, I notice it talks about the impact of our current water resources, excuse me, the potential of climate having an impact on current water resources.

I know recently there was a report that came out essentially saying climate change is bad. It's getting worse. I know a few weeks before that the Department of Defense actually issued a report talking about how they're going to, how they're going to have

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to try to see how their weapons can withstand the next ice age, as it were, so you know, there's kind of conflicting data as to which way climatology is going to be taking us within the new few years.

Are they going to be looking at the whole spectrum of that? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

The bill is just a general prescription with respect to that and climate change, of course, is something we still haven't put a firm handle on. We know it appears to be changing but we don't still know the consequences of it.

What this bill does is, it allows the agencies to look at the consequences.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Thank you, Senator Meyer for your answers and again, I apologize for being so detailed this late in the game. Typically, water is something that the Public Health Committee spends a lot of time looking at.

Again, it didn't come before us for whatever reason this time around. I think I will be supporting this bill because it seems to, it seems to be at least taking us in a direction where we're having people look at things comprehensively.

I guess I'm a little bit nervous that what comes out of the report as so often happens in this Chamber automatically becomes law, although that's clearly not the intended case and we're going to have time to reflect on the recommendations from the Council. Thank you, Mr. President.

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THE CHAIR:

Thank you, Senator. Senator Linares.

SENATOR LINARES:

Thank you, Mr. President. I rise in support of this bill. I think it's time for our state to have a comprehensive water plan and representing 12 towns that border the shoreline and the Connecticut River, I hear quite often how important the resource of water is to the district and is to the state.

After speaking with first selectman in the River COG and across the district, I often hear that water is king and many, most likely have heard very popular statesmen, politicians, state that there will be more wars fought over water in our future than there are over oil.

So it's very important that we take into serious consideration coming up with a comprehensive water plan, but I do have some questions for the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR LINARES:

Mr. President, through you, I would like to ask is, with the fiscal note in this bill, it requires that OPM contract or enter an MOU with an independent consultant for advice on creating this plan.

I just wanted to ask the proponent of the bill, what type of advice they are looking for and do they have any idea who those consultants may be? Through you, Madam, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

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Yes, through you, Mr. President, indeed as Senator Linares is saying, the bill permits the department to consult with consultants and the purpose of that consulting is to decide what are the parameters, what should be the appropriate parameters of this water plan for Connecticut and what particular strategy should be used in analyzing the water of Connecticut so that we know how best to use this tremendous amount of water that we do have.

So I think it's just, your imagination would indicate what a consultant could do here and I think the Environment Committee was pleased that the department was willing to go outside and bring in consultants.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you, Mr. President. Senator Meyer, I wasn't sure if you had mentioned who those consultants may be. Do we have an idea who OPM is considering reaching out to and do you have any idea what their experience might be? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President to Senator Linares. I do not know and I'm looking here to see if, just a moment. Representative Mushinsky has been a major contributor to this and she's pointing out that the University of Connecticut has already offered to help with respect to the preparation of the statewide water plan.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

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Thank you, Mr. President. And Senator Meyer, much like yourself, I represent a district where we have a constituency that is very fond of the Long Island Sound, which is to preserve it and also at the same time, enjoys aquatic activities, enjoys fishing, boating, activities of that nature, and in this bill it does say that this would require a general permit for certain minor activities.

That is a very broad term, so I was wondering, through you, Mr. President, if you can go into what those minor activities might be and what it would take for people to obtain a general permit. Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President to Senator Linares. The permitting by DEEP in this area is generally what's called a water diversion permit. It's a permit that where some person or firm is undertaking to divert water in one way or another and that diversion of water requires a permit.

I think in the last couple of years we have gotten DEEP to act on those permits much more quickly. It used to be more than a year. Today, acting on those permits is more a matter of weeks.

So water diversion permits are the primary permits that would be involved here.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you, Mr. President.

SENATOR MEYER:

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And Representative Mushinsky's also saying the repair of pipes would be another permit.

THE CHAIR:

Senator Meyer, you have to be recognized by the Chair. Senator Linares, you have the floor.

SENATOR LINARES:

Thank you, Mr. President. Thank you, Senator for the answers to your questions. I'm glad that the Representative was here to aid you in that and I'm happy with her response.

Again, I think that this is a very good idea. I think it's very important for us to plan our work and work our plan when it comes to our water in the State of Connecticut and I applaud you supporting this bill, Senator. Thank you.

THE CHAIR:

Thank you, Senator. Senator Frantz.

SENATOR FRANTZ:

Yes, thank you, Mr. President. I think as I've been saying for the last couple of weeks, it's always good to be anticipatory about issues like a comprehensive water plan for the State of Connecticut. I don't think you want to go too far out into the future and make assumptions about what's going to happen and then base a current study on what we think subjectively is going to happen, and therefore, through you, Mr. President, although I know I'm going to be in favor of this bill because I'm an environmentalist at heart and we will do and I will do whatever I can to protect the environment.

THE CHAIR:

Excuse me, Senator Frantz. Thank you. May we have order in the Senate, please? Senator Frantz, please continue.

SENATOR FRANTZ:

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Yes, thank you. Thank you, Mr. President. So for the edification of everybody in the Circle and myself as people who are interested in preserving the environment and certainly the all important of water, we need to do everything we possibly can to guarantee that we have fresh and salt water that is usable for not only drinking water in the case of fresh water, but usable for other recreational purposes that you and I are so intimately familiar with over the years.

What I'm trying to do is drill down a little bit further than Senator Welch and Senator Linares because it's such a general term. You know, if this bill were titled a state air plan, everybody would be wondering what exactly does that mean. You know, does that mean fresh air, does that mean, you know, turnover in the air that's over the State of Connecticut a certain number of times per hour, or per day, whatever the case may be.

So once again, take it back to the general intent here, because we're talking everything from salt water to brackish water to estuaries to fresh water to fresh water that stays stagnant, to fresh water that actually works through the, you know, through the river system.

What exactly are we trying, are we trying to cover all those bases? Are we trying to focus on drinking water? Are we trying to focus on the recreational salt water activities? What exactly is it, Senator, that we're focusing on?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President to Senator Frantz. I might say that I've been joined here by a person, a Representative, Representative John Hampton, who's contributed a great deal to the preparation of this bill, but what we're talking about in a broad sense is primarily fresh water and the effect of that fresh water on access, availability and health.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, and through you, Mr. President, I appreciate that. So I'm drilling down even a little bit further. So the intent is really to assure that Connecticut in its future has a constant and reliable supply of fresh water that can be used as drinking water, potable water and water that can also be used for recreational purposes such as rivers and trout fishing and white water kayaking and all those wonderful things that we like to do with fresh water within the river system.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, I think that's true. There are other obvious water uses other than those and that would include fire safety.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. And through you, that's a very good addition to the discussion here tonight, fire safety, because it's, you know, we're not California and we're not Colorado and Wyoming, but we do every once in a while have forest fires and other types of fires in neighborhoods that need a water supply to put them out, so that's awfully good to know.

You know, and also within the sense of having an adequate and reliable water supply, we're not the southwest. We're not Nevada, Arizona, some of these other states that we'll real undoubtedly have some of these serious drinking water problems, you know, going

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forward because we have the Connecticut River watershed. We have some of the other rivers that contribute to the Hudson River Valley and some of the other smaller ones that contribute.

But is there a worry in your judgment or anybody else's judgment that we will have a problem with a fresh water supply that's sustainable?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Frantz. I think we have a luxury of water supply in Connecticut from everything that I've been able to learn as a resident, as Senate Chair of the Environment Committee, and what we've lacked is a plan how to use that in a way that provides safety for our residents as well as convenience and things like you mentioned, recreation.

So lacking a statewide plan, you know, we're not sure what we're doing. This will give all our local governments and water companies and virtually everybody else, the private sector, some understanding of what water's available, what water needs more work in terms of quality and also providing the safety that we talk about.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. Through you, Mr. President, Senator Meyer, if this does move forward, do you envision a certain level of coordination with the other states that are so intimately involved with our water supply, that would include Massachusetts, Vermont and New Hampshire.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through you, Mr. President, there's nothing in the bill as I said to I think it was Senator Linares, and you may have been out of the Chamber, there's nothing in the bill with respect to consulting with other states, although, you know, common sense suggests consulting with Massachusetts, Rhode Island and New York might make good sense.

There is also, as we talked about earlier, the ability of the agency to retain consultants who might come from other states. So it's very much an option here to consult with other states, but there's no mandate to do that.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. And through you, Mr. President, thank you for those answers. Right after Hurricane Sandy and also Irene, we did an aerial reconnaissance tour of the entire coastline of Connecticut and the amount of effluent and other fluids coming down the Connecticut River and the Housatonic River into Long Island Sound was just incomprehensible. I have pictures, which I'd be happy to show you at some point, but it is literally the difference between black and white with respect to what's coming out of the Connecticut River and the Housatonic River into Long Island Sound, which is essentially an estuary, which is not exactly Caribbean blue water, but it's pretty clean and certainly compared to the elements that were coming down those two Rivers in particular, was a huge contrast.

And as we went down to the hard deck and looked at what was actually coming down, you had full-grown tress that had been ripped away at the roots. You had what looked like a Volkswagen floating down. I can't confirm that. We saw a couple of different gas tanks that were coming down. They may have come down all the way from Vermont, all the way from New Hampshire

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because the Connecticut River comes down from the three Connecticut River Lakes way up in Maine and the actual border of New Hampshire and Vermont is the Connecticut River.

And as you know better than anybody, there is a lot of farmland up there and they tend to use the propane tanks up there, and we were just there for a couple of minutes in each of those two different cases, so you have these things coming down.

So I think it might make good sense to coordinate with the other states that might be involved. I know it's not required, but in your vision of where we end up on this bill, is that something that you see as a possibility?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, I think Senator Frantz makes a good point and the more people we consult with, the better. And when he's referring to the extreme weather experiences we had, there is another provision in this bill that I didn't mention and that is, it expands the responsibility of the Department of Public Health to declare and respond to a public water emergency and the kind of extreme weather experiences you're describing has often led to an emergency with respect to public water and public drinking water in particular.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Terrific, and through you, Mr. President, thank you, Senator Meyer for your efforts in this area. Thank you for those answers tonight. Thank you, Mr. President.

THE CHAIR:

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Will you remark further on the bill? Will you remark further on the bill? Senator Meyer.

SENATOR MEYER:

It's a good bill. I appreciate the good questions and if there's no further objection, may it please go on our Consent Calendar.

THE CHAIR:

Is there objection to placing the item on the Consent Calendar. Okay. We'll have a Roll Call Vote. Mr. Clerk, please announce the pendency of a Roll Call Vote. The machine will be opened.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.
Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Senator Boucher. Have all the members voted? Have all the members voted? Have all the members voted? The machine will be closed. The Clerk will announce the tally.

THE CLERK:

House Bill 5424.

Total number voting	36
Necessary for passage	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill passes in concurrence. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, the first item, I have an item to remove from the foot of the

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
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2014

I oppose House Bill 5417, AN ACT ESTABLISHING A SEASON FOR THE TAKING OF GLASS EELS. I think the young eels are very important to our ecosystem and I know a lot of conservationists around the Westport area are trying to help these young eels make their journey to do what they are supposed to do and come back to this sound and the other fish need them. So I oppose that bill.

Thank you very much for your hearing.

REP. GENTILE: Karen, thank you.. Any questions? Thank you, Karen. Representative Hampton. Representative Hampton will be followed by Carroll Hughes.

REP. HAMPTON: Good afternoon. Senator Meyer, Representative Gentile, Representative Shaban, and distinguished members of the Environment Committee. I'm State Representative John Hampton from the 16th District, Simsbury, and I am here testifying in support H.B. 5424, AN CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

First and foremost, I'd like to thank you for giving this bill a public hearing. H.B. 5424 is a major step towards a comprehensive and dynamic statewide water plan for the distribution, quality, protection, conservation, and administration oversight of one of the state's most vital resources, our water supply.

This legislation was crafted utilizing the recommendations that came from the water sub committees that were convened earlier this year after the first ever Connecticut Water Summit, which brought together major stakeholders to address this issue. They included legislators

from both sides of the aisle, many in this room, agencies, environmental groups, academics, business leaders, and water providers.

I wish to thank Representative Mushinsky, Albis, Miller, Steinberg, and Rojas for their great service as chair of the three subcommittees, supply and distribution; quality protection and conservation; and administration, infrastructure, and oversight.

We had a wealth of talent and expertise on the subcommittees working together collaboratively on this initiative. Each member provided their unique experience and perspective, and for that we are extremely grateful.

I'd also like to give special thanks to the University of Connecticut for adding their support to this effort through the representation on the subcommittee and through a very successful water conference last month. Their contributions greatly enhanced our effort.

I would also like to recognize the hardworking folks of the Water Planning Council who have been diligently striving toward a statewide water plan, but lack the tools and resources that they need to fulfill their mission.

The Water Utility Coordinating Committees, also known as WUCCs, which are charged with creating regional plans for resolving supply problems in various regions of the state, also need more support to complete their prescribed charged.

The consensus recommendations for the subcommittees resulted in the legislation before you and does the following.

Section one updates the Water Planning Council statute to require the group to produce a statewide water plan with stakeholder input by January 1, 2017. The plan must be submitted to the Legislature for approval before the Water Planning Council implements it and the group must report to this and other committees of cognizance on its progress annually, beginning in 2015.

Section two and three authorize the Department of Public Health to award grants for upgrades to drinking water systems.

Section four adds environmental protection to the list of items that water utility coordinating committee plans must incorporate.

Section five updates DPH water utility coordinating committee consultant language.

Section six creates the DPH licensure category of licensed water professional, similar to DEEP's licensed environmental professional, to review water provider proposals and to ensure their compliance with state and federal law.

Section seven requires the Council of Governments to develop and implement the response plan when the Governor declares a major disaster due to drought.

Section eight adds resources to the Water Planning Council and DPH to develop a statewide water plan and complete the remaining Water Utility Coordinating Committee plans.

The legislation addresses the multiple layers of water planning and takes into account key aspects, including conservation, water reuse, critical data collection, and permitting decisions, as well as the ecological,

environmental, and economic impact that implementation of a statewide water plan will have on Connecticut.

The pieces are in place to get the job done. This proposed legislation connects these pieces with resources to achieve their common objectives. As state leaders, we work together to plan responsibly for our future, for our children's education, public safety, and transportation. Our water needs similar strategic visioning.

This legislation will go a long way towards managing water resources in a sustainable manner in order to support the state's economy, protect public health and natural systems, and enhance the quality of life for all citizens.

Thank you again for your kind consideration and I welcome your questions.

REP. GENTILE: Thank you, Representative. Senator Meyer.

SENATOR MEYER: Representative Hampton, thanks for what you do. You and Mary Mushinsky have made a big difference on water in Connecticut. I -- I'm going to ask you if you would address my concern.

Right now, the existing law in the state directs DEEP, Public Health, and -- and OPM to do a statewide water plan. And you'll see that in the existing languages starting on page three of the -- of the bill, the existing language.

What -- they've ignored that. We don't have a statewide water plan. As -- there's a law now that requires it be done.

Do you have some encouragement about why this bill would get it done?

REP. HAMPTON: Well, I think the good news is that we brought all the stakeholders together, including yourself, including the water providers, academics, the business community. I think there's a political will across the state to work -- instead of from crisis to crisis, to work strategically on a plan that prevents us from sort of just shooting from the hip in terms of our water -- in terms of our water planning. And we've gotten great support.

You know, there are some areas that we need to work through with some of our stakeholders, some concerns with the bill. But I think there is consensus. I think there's momentum and I -- I have confidence that we're going to get the job done with your support, of course.

SENATOR MEYER: And the bill provides for \$500,000 for the Water Planning Council. How big is the council right now? Do you know?

REP. HAMPTON: In its entirety of staff, I would have to defer. Evan? Four. No staff. One staff.

SENATOR MEYER: He's got one -- one staff. Yeah. Okay. It's a big job.

REP. HAMPTON: Yeah. So they need help.

SENATOR MEYER: What -- how are you doing in terms of getting the \$500,000 into the budget?

REP. HAMPTON: We're working with members of the Appropriations Committee, having conversations. I believe this is an investment that we need to make to enable a statewide water plan to take shape.

SENATOR MEYER: Good luck.

REP. HAMPTON: Thank you.

REP. GENTILE: Thank you. Any other questions?

Representative Hampton, thank you.

REP. HAMPTON: Thank you.

REP. GENTILE: Carroll Hughes. Carroll will be followed by Don Stein.

A VOICE: Madam Chair, Mike Paine is signed up also. He's (inaudible). Yes.

MICHAEL PAINE: Thank you.

A VOICE: Go ahead, Mike.

MICHAEL PAINE: Sure. Thank you, Madam Chairman. I appreciate your indulgence. My name is Mike Paine. My family and I own Paine's Recycling and Rubbish Removal, third generation trash and recycle company in East Granby. I am also Connecticut Chapter Chairman for the National Waste and Recycling Association, (inaudible) again as WMA.

I'm joining Carroll. You have my comments already that I've handed in. I do want to let you know that we, as an association, have some real significant concerns with Governor's Bill number 27 and I'll let Carroll speak to some of the issues and I'm here to kind of be the hands on comment at the end with any questions. Thank you.

CARROLL HUGHES: Thank you, and Carroll Hughes representing the National Waste and Recycling Association. I think I have to explain what we

So I don't think the bill is unexpected, but I do think the customers should maybe have been involved at some level in the crafting of the legislation. And this is what we -- we're here today to do, right? To have that input and to make the bill better for everybody.

REP. MOUKAWSHER: Well, I -- I'm glad you're here and I'm glad we're getting your input. I just -- I -- it seems to me that that might have been more beneficial in -- in advance. And, you know, it concerns me that this rather monolithic plan is taking shape without a lot of other people's input that it will affect.

So I have some concerns about that and I -- I'm glad you're here to kind of let us know you have concerns as well. I thank you on that.

JEFF BRIDGES: Well, thank you. Appreciate that.

REP. GENTILE: Thank you.

JEFF BRIDGES: Thank you.

REP. GENTILE: Any additional questions?

Thank you, sir. Commissioner Betkoski.

And just for informational purposes, the Commissioner has to leave so we've jumped one out of order.

HB5424 COMMISSIONER BETKOSKI: Thank you very much and I appreciate that, Representative Gentile. Senator Meyer, Senator Chapin, Representative Shaban, and members of the Committee.

My name is Jack Betkoski and I'm vice-chairman of the Public Utility Regulatory Authority and chairman of the Water Planning Council, which is made up of representatives of the Department

of Energy and Environmental Protection, Department of Public Health, the Public Utility Regulatory Authority, and the Office of Policy Management.

I appear before you this afternoon and thank you for raising House Bill 5424, AN ACT CONCERNING RESPONSIBILITIES TO THE WATER PLANNING COUNCIL.

I'd like to thank the Committee and its efforts of Representative Hampton and other legislators in supporting the Water Planning Council and advocating for the creation of a statewide water resource plan.

We are very encouraged and optimistic and supportive of the Raised Bill 5424, but the Planning Council has some concerns and questions about particular aspects of the bill. We are a little bit concerned about some of the fiscal impacts of several provisions.

We believe the bill provides a useful starting point for further discussion and look forward to working with the Committee and Representative Hampton as we move forward during the legislative session.

I very much appreciate the option to be here. There's many, many people here that -- this afternoon that want to speak on behalf of this bill. I can't tell you, having been around for quite some time, that I am very encouraged.

As a member of the Water Planning Council, I have with me this afternoon Al Bushinsky from the Department of Public Health who is also a member of this council, as is Betsey Wingfield from Energy and Environmental Protection, and Dave LeVasseur of the Office of Policy Management.

I should clarify. Earlier, the question was asked how many staff we have in the Water Planning Council. We really have, like, a very small percentage of a staff with the Office of Policy Management, who really helps us coordinate the Water Planning Council meetings.

As I said, kudos to Representative Hampton in terms of getting this, and Mayor Mushinsky, in getting this into forefront of the Legislature. Water isn't as sexy as energy and renewables and electricity and gas and -- but -- but it's very, very important.

You heard Senator LeBeau talk earlier about a situation in his district and we have other situations throughout the State of Connecticut similar to that.

So I'm very, very glad that Representative Hampton took the initiative to put this at the forefront. The summit was very, very successful. I served on Representative Miller's subgroup. In a very short period of time, the Legislature moved very quickly to come up with some very solid recommendations.

And then, coupled with that, we had the very successful one-day symposium at the University of Connecticut

So this is really a collaborative effort between the Council, the member agencies, the Legislature, the University of Connecticut, all the stakeholders who do -- have done a wonderful job, the Water Planning Council Advisor group over the past decade.

The Legislature, in their wisdom, passed this in 2002 knowing that we needed to do something about water planning, integrated resource water

use in the State of Connecticut. And this is a very, very positive step in that direction to make that a reality in the very near future.

Thank you.

REP. GENTILE: Thank you, Commissioner.
Representative Moukawsher.

REP. BETKOSKI: Hello.

REP. MOUKAWSHER: Good afternoon. I -- I represent Groton, that has its own utilities and -- and its own reservoir and provides water and electricity. What -- what is the possible implications of -- of this bill to a municipality that owns its own water supply? Is there any chance that they would lose control over --

REP. BETKOSKI: No. No. Not -- I'm -- I'm not -- not at all. There's never -- it -- it's something that's never been talked about, quite frankly. I know there's water companies -- we have private and -- and -- private (inaudible) water companies and we have public, but this does not impact them from a ownership standpoint whatsoever. They'll be able -- they'll just -- they'll be totally autonomous.

REP. MOUKAWSHER: Okay. Thank you.

REP. BETKOSKI: Good question.

REP. GENTILE: Thank you.

REP. BETKOSKI: Thank you. Thank you very much for indulging me. Appreciate it.

REP. GENTILE: Thank you, Commissioner.

Unfortunately, Senate Bill 309 would not retroactively help the situation in Bethlehem, but it's smart common sense policy going forward and I thank you again for this opportunity to testify.

REP. GENTILE: Senator Kane, we thank you for your testimony and your patience. Any questions? Thank you.

SENATOR KANE: Thank you.

REP. GENTILE: We have Martin Mador next, and he will be followed by Representative O'Neill.

MARTIN MADOR: Afternoon. I'm Martin Mador. I'm the legislative and political chair for the Sierra Club. I'll have some very quick comments on S.B. 27 and a couple other bills and all of that within three minute.

SB306
HB5420
HB5424
HB5419
SB316

Addressing solid waste issues has long been a part of the Sierra Club's environmental portfolio. We're very pleased this bill is going forward. We're pleased it raises the recycling goal, it recognizes that public education is really necessary to -- to raise our recycling rate.

It recognizes the role of incineration is not really a good part of the solution and that we have to move forward.

I want to say that over the past several years, we've established programs for extended producer responsibility, also known as product stewardship. We do this one product at a time. We find this an excellent way to address issues of dealing with our solid waste.

We'd like to see something that says it is the state's policy that EPR is part of our -- is part of our portfolio dealing with solid waste. And the -- the work that DEEP has spent on -- has done with this, which has been great and needs to be augmented so we can really enhance what we do with -- with EPR.

Quickly on -- on the discussion about the contamination of wells, it's a problem statewide. We have many contaminated properties. The Sibley property in Tylerville, which Representative Miller sort of alluded to, is a great notorious example of the problem.

QB306
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I remind the Committee that DEEP has been working on a process to completely overhaul our site remediation around field program. They are continuing with that process. They say they expect to have legislation ready for the next session to completely overhaul how we address the site remediation issues. A number of us are involved in these conversations.

We look forward to this process. We're going to make sure DEEP has a bill ready for next session. And one thing we have -- have to make sure of is that it addresses how we deal not only with spills going forward, but with all these legacy spills. To have to get a way of finally cleaning them up and -- and this new process we hope will do that.

On 5424, the Water Planning Council, all of us agree we have to have a statewide policy on how we handle water. I and many other people have been in the room as we've discussed this. We're pleased there's a bill going forward.

We're concerned that the bill is sort of a way of starting the conversation, that it's a

little vague on how we're actually going to solve this.

We have to address our needs for data. Part of the problem is these FOIA rules keep us from looking at the data. That's a huge problem. It recognizes we're going to need staff to deal with this to come up with a statewide water plan. So it's a good start.

And in 10 seconds, we endorse 5419, preservation of the Savin Farm in Lebanon, and 316, labeling of Bisphenol A.

Thank you.

REP. GENTILE: Thank you. No questions.

Is Representative O'Neill in the room yet? I don't see him. All right. So we'll call upon him once he does arrive. Carmen Cordero.

CARMEN CORDERO: Good afternoon, ladies and gentlemen of the Committee. My name is Carmen Cordero and I am a lifelong resident of Hartford, Connecticut, and a lifelong member of an organization called Vecinos Unidos.

Vecinos Unidos is a grassroots community organization that has been organizing in the Latino community for over 30 years. First, I'm here speaking on -- in support of Governor Bill -- the Governor's Bill 27.

Vecinos Unidos has been an -- has been organizing in the Latino community for over 30 years and, as most of you already know, we work on issues like welfare reform, housing, jobs, and the end of -- and the --most recently, the end of child poverty campaign.

areas where they might be able to bring in water. We are so remote from any water line and there are so few of us involved, just six families, that it probably isn't going to be economically feasible for them to bring water to us.

Thus, I find it very important that these bills get passed to help us sustain over the next couple of years. I know I had been planning a retirement and when I looked at the evaluation of cost, what it will cost to maintain the filtration system and test the water as needed to be safe, just, you know, and have that peace of mind because it is such a health hazard, I had to put off retirement. It's kind of a scary thing.

But I want to thank all of you for your efforts and allowing me to have the opportunity to come here and speak on behalf of, as I call us, the forgotten six. I was amazed that the town of East Windsor had the volume of contamination that it does when you take an overview of the whole state.

So thank you very much for your time.

REP. GENTILE: Elyse, thank you for yours and for sharing your story with us.

Any questions? Thank you.

Maureen Westbrook?

MAUREEN WESTBROOK: Good afternoon. My name is Maureen Westbrook and I'm here on behalf of Connecticut Water to support H.B. 5424, AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL. I provided you with written testimony so I'll be very brief in my remarks at this point.

I want to thank the legislators who brought renewed focus on the issue of state water planning, the Environment Committee for raising this bill, and all of you who are still here at this hour on Friday night listening to us.

Connecticut Water strongly believes that water planning is critical for protection of state's water resources, the provision of adequate water supplies to meet public health and safety needs of our residents, to support smart economic development while protecting the environment and providing for recreational aquatic uses. That said, a state water plan must be balanced, supported by sound data, and adequately consider all those water needs.

H.B. 5424 can move this forward by directing the state's Water Planning Council to develop that state plan and provide the necessary funding for that effort. As was discussed earlier, the Water Planning Council includes the four agencies who currently regulate water in the state and so they're the appropriate entity really to take on this challenge.

The Water Planning Council is also a legislative advisory group. It's a legislatively established group of stakeholders who report to the Water Planning Council on issues or study things on their behalf.

That includes a broad group of stakeholder interests; water, wastewater, agriculture, business, industry, river protection, boating, fisheries, et cetera. So it is -- a stakeholder group is already there available to support this effort.

I want to note that the bill specifically calls for the state water plan to integrate Water

Utility Coordinating Committee plans, or as we call them, WUCC plans. But I want to stress that this will only be a part of any state water plan and is not intended in any way to drive the state water plan completely or define even the geographic areas in which we would seek to do planning under this.

Information from those WUCC plans on how public water supply needs will be met going forward is just one other piece of critical data that needs to be considered in any meaningful water plan. Much like data on water usage, water quality, water quantity, fisheries, aquatics, resources, other things. So it is one piece, but a very important piece from our view.

The proposed funding for the Depart of Health for the consults necessary to complete the WUCC process is essential to -- to provide for a comprehensive state water plan. We share the view of other stakeholders that sound data is key to good decision making and planning and as such, we'd urge that at least a portion of the funds provided to facilitate the completion of the plan be used to develop and support data collection systems and modeling methods necessary to support informed planning and decisions.

Right now, a lot of entities provide data to the different agencies for their either applications or compliance, but since it's in different agencies and different formats, it's really not readily available or useful for planning decisions.

We'd also urge the Committee to support the provision from the bill related to the creation of a licensed water professional and as an innovative and cost effective way to carry out the provisions of the Health Department

program. And I know CCWA will discuss that more.

So again, thanks to the Committee for raising this. Ask for the support of the bill and we stand ready to work with any of the stakeholders if any modifications need to be made going forward.

REP. GENTILE: Thank you, Maureen.

Any questions? Thank you.

MAUREEN WESTBROOK: All right. Thank you.

REP. GENTILE: Elizabeth Gara will be followed by Lori Vitagliano, unless representative O'Neill is in the room. I keep looking.

ELIZABETH GARA: Good evening. My name is Elizabeth Gara. I'm the executive director of the Connecticut Water Works Association. CWWA is an organization that is comprised of municipal, private, and regional water utilities. And I did submit comments in support of House Bill 5420, AN ACT CONCERNING FUNDS FOR WATER SUPPLIES IN CONTAMINATED AREAS.

I do want to just speak briefly in support of House Bill 5424, AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL. As Maureen mentioned, we are -- feel very strongly that developing a state water plan is a critical step in ensuring that Connecticut has sufficient water supplies to meet the current and future public health, safety, and economic development needs of the state.

As -- again, Connecticut Water indicated the first step really does need to be the completion of the WUCC process. We have attached to our testimony a letter signed by

the four major utilities, the CEOs of the four major utilities, urging the commissioner of the Department of Public Health to complete the WUCC process. This is very critical information that would actually be very informative as we develop the state water plan.

The other issue that we do think is important, and I know this was discussed a lot in the water summit, is the important of collecting data. So we have the objective data and the scientific methodologies needed to develop a state plan that's going -- that we're going to be assured that will provide the balance needed to protect not only the public water supplies for public health and safety, but also the water resources for the other needs of the state.

One of the things that was talked about in reviewing this plan is really what is it? Is it a state water plan? Is it a state water resources plan? Or is it a state public water supply plan?

I'm not convinced in reading the bill that we really have a firm understanding on what the plan is intended to do and how it will be used. So we do think that there needs to be some discussion about what the intent of the plan is and how it will be used.

We are concerned. When you look at the components of the state plan in section one, subsection b, of the bill, that there is no reference to consideration of the quantity, quality, and availability of water for public water supplies. Clearly, from our perspective, the availability and quantity of public water supply should be a chief concern of a water -- state water plan.

In addition, the deadline for the completion of the plan, we have a date certain there of January 2017. We do think because the WUCC process should be completed first, that that date should either be keyed off of the completion of the work process or that you look at a way to direct the Water Planning Council to actually identify the scope of the plan, the components of the plan, and identify a time table and a process and the resources needed to move forward with the plan.

So I do think there's been a lot of healthy discussion about the need for a state plan. It is important and we do have a number of recommendations attached to our testimony to strengthen that state water plan and -- and really be in a position to move it forward.

We also support the piece of the legislation that creates a licensed water professional program to assist in some of these approvals. And we also talk about some of the funding that's needed to move forward with the plan.

Thank you.

REP. GENTILE: Thank you, Betsy.

Any questions? Thank you.

Lori, followed by Tom Callahan.

LORI VITAGLIANO: Good evening. I'm Lori Vitagliano from the South -- South Central Connecticut Regional Water Authority in New Haven and I'm here in support of H.B. 5424, AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

The RWA appreciates the opportunity to provide comments to the Environment Committee in

support of the intent of the bill. We commend the Environment Committee for bringing this very important topic forward.

We also -- I'd like to reconfirm what CWWA said about the fact a state water plan is essential to meet the needs of Connecticut to protect public health, the environment, to ensure safety, and promote economic development. A priority and a significant step in this process is the completion of the water utility coordinating committees, the WUCCs.

The WUCC Regional Supply plan will provide a foundational piece for a state water plan by defining the areas of public water supply needs, available solutions, through cooperation and coordination between public water systems. And again, to that end, the completion of these regional plans be expedited as a first step.

I'd also like to point out that, regarding these plans, it notes individual -- the section 1a-5, it notes individual water WUCC plans. I'd like to point out that we feel that it should be regional water utility coordinating committee plans.

Also in section 1b of the act, which lists the requirements for the state water plan to be modified to identify the protection of quality, quantity, and availability of public water supplies to meet present and future needs.

Lastly, in section 7-c1, it references a plan to restrict non-emergency use of water. That should include all stakeholders, including the public water supplier or suppliers in the region when discussing such -- a non-emergency use.

Also, the language should look to facilitate interconnection to promote flexibility of water, or, applicable, it should also include economic development efforts.

And we are also a member of CWWA and strongly support their comments. And again, thank you for your commitment to this very important issue and your time this evening.

REP. GENTILE: Thank you, Lori. Any questions? Thank you. Tom Callahan, followed by Margaret Miner.

THOMAS CALLAHAN: It's after six o'clock, so it's officially evening, and coming from UCONN, if I had ice cream to go along with the other beverages and the materials that were offered earlier tonight, I'd be delighted to provide them.

Madam Chairman, members of the Committee, my -- name is Tom Callahan. I serve as an associate vice-president at the University of Connecticut.

We're here tonight to express our support for House Bill 5424. You recall last year, it was the University's seeking additional water supply for stores -- for its stores campus that rekindled the discussion about the need for an additional -- the need for a state water supply plan even though legislation had been on the -- on the books for quite some time.

We went through the Environmental evaluation process. We looked carefully at the options that were available to us. We essentially decided to go forward with Connecticut Water. We have a contract in place now.

But over the course of the past year, the University's efforts to seek additional water supply has been identified as a prime example of why there's a need for a state water resources plan. We agree with that.

Last April, some of our state's leading environmental groups asked the university to sit down and see if we could use its influence to expand the conversation and deepen the dialog. Around this issue, we agreed to do that.

We worked carefully over the course of the summer and fall to put together a pretty extensive symposium that was led by Gina Likens. Gina is a globally recognized water scientist. Also serves as a special environmental advisor to President Herbst.

The conference convened about 125 people from across the state and representing all the -- all of the interest groups that are engaged in the water supply -- water resources issues in the State of Connecticut.

The morning focused on the need not only for the plan, but also what the elements, as you've heard, and I think in some of the prior testimony, there is a need to be clear on what it is that the plan is and what it's not and what the essential elements of the plan would be.

The Governor came over lunch and expressed his clear unequivocal support for the need to get a plan done and get it done soon, and his support in order to -- to move that along.

In the afternoon, we had a professionally facilitated conversation, an anonymous key poll -- key pad polling on trying to get the sense

of people's minds on where the principles that would drive the plan would be, as well as what the -- a half dozen or so logical next steps would be.

I don't intend to summarize all of those tonight. I just want to suggest that there was a great deal of consensus on three points that are kind of the guts of this bill. A, the need for the plan, B, that the Water Planning Council should be on point pulling the plan together, and C, that it should be -- a plan should be done relatively soon over the course and delivered by --

REP. GENTILE: Tom, could you summarize, please.

THOMAS CALLAHAN: -- by the end of the -- by (inaudible) 2016. So with that, I'll complete my remarks and I'll be happy to entertain any questions that people might have.

REP. GENTILE: Thank you.

Senator Meyer, followed by Representative Ziobron.

SENATOR MEYER: Mr. Callahan, I just want to be sure that you feel this -- this bill is a real bill. The Water Council, which would have this enormous responsibility, is -- has a staff of one person. Okay? There's a -- there's a pretty big financial tag to this, that's -- that has not been in our -- our biannual budget.

The Department of -- of Energy and Environmental Protection has previously had the legal obligation to do this plan and has not done it. So it sounds like you had good communication and this is a real bill. It's going to be done.

But, you know, bad history here, a small council; one person. You want to react to that?

THOMAS CALLAHAN: Sure. I -- I -- there's a couple of things. One is, the University has essentially, through President Herbst, and we're prepared to put our shoulder to the wheel in terms of the expertise and technical assistance that may be needed in order to move this along.

Clearly, that's not all that's needed, but it is essentially one of the ingredients that has not been I think present in a meaningful way up until this point in time.

It's my understanding, Senator Meyer, that there is a half million dollars that has been put in the bill for the Water Planning Council to get this under way.

A part of the -- the real piece of work that needs to be done over the course of -- of the coming months is to get a proper scope for this, to identify exactly what needs to get done, what kind of resources would be necessary, not only with respect that you've heard folks talk about the need for data, there's going to be a need for some modeling to be done.

There's going to be a need for an extensive or a clear stakeholder engagement and probably public involvement program before it's done.

That work will be done over the course, I think, of the coming months. I think that will be done inside of the 500,000 -- well in side of the \$500,000 that's in the bill. I would not be surprised if there might not be a need

in the next planning for additional resources to finish the work.

SENATOR MEYER: Okay. That's encouraging. Thanks.

THOMAS CALLAHAN: You're welcome.

REP. GENTILE: Thank you. Representative Ziobron.

REP. ZIOBRON: Thank you, Madam Chair, and Senator Meyer was alluding to the question I was going to be asking. And I'm looking at the bill here. In section eight, it talks about the sum of \$500,000 to be appropriated from OPM for those purposes that you just talked about for the staffing. It says it's not going to be released until fiscal year 2015.

My question is -- is UCONN -- does -- does that include the funds or the expertise that UCONN is also bringing to this project or is that separate? Is -- is -- are your in-kind contribution not included in that?

THOMAS CALLAHAN: It's not -- it's not been fully negotiated or worked out yet. I think, again, this -- this bill is a work in progress. What we made clear to the leadership of the Water Planning Council is our willingness to lend, as I said, both the expertise and the technical assistance to move forward with this. How that gets structured over the course of the coming months is to be worked out.

REP. ZIOBRON: Okay. Then I would go further and I was referring to section A, I mean 8a of the bill and section B. It talks about the sum of \$1 million to be appropriated from the Department of Public Health for the purpose of entering into contracts with consultants. Would UCONN be viewed as one of those consultants?

THOMAS CALLAHAN: The Department of Public Health has not discussed that with the University, nor was that necessarily something that we were looking to do.

REP. ZIOBRON: Okay. Thank you. Thank you, Madam Chair.

REP. GENTILE: Thank you.

THOMAS CALLAHAN: However, if -- if they came to -- if they came and they wanted to talk to us, we would be happy to do that.

REP. GENTILE: Thank you, Tom.

THOMAS CALLAHAN: You're welcome.

REP. GENTILE: Margaret Miner, followed by Eileen Fielding, or Ellen Fielding.

MARGARET MINER: I'm ready for some of that wine tasting to be sure the product will be good. I'm Margaret Miner with Rivers Alliance of Connecticut, also in connection with Bill 5424.

I should mention I'm co-chair of the Water Planning Council Advisory Committee and was a member of the steering committee of the excellent conference that UCONN put on with Tom putting a lot of work.

SENATOR MEYER: Margaret, you are Madam Water of Connecticut.

MARGARET MINER: For a while. The -- it was interesting sitting here listening to the testimony of the problems about groundwater because in about 2000, the Legislature was getting many meetings like that and it was one of the problems that led to the creation of the

Water Planning Council. And the -- since then, the Water Planning Council has not had the authority or the resources to deal with that kind of problem.

And I believe that under this bill, they still won't have the authority or the resources to deal with the problem. I think we all agree we would like to see some real water planning and we'd like to see, and I know the water companies agree with this, a more integrated water management.

But as you'll see in my testimony, I feel that basically, this is a plan with more recommendations and advice, of which we have had plenty. Almost no reference to what the administrative structures will be, not even a reference to creating regulations. No reference to conflict resolution possibilities.

We have suffered from fragmented agencies. Does anybody -- can anybody figure out why when there are carcinogens in someone's water, it's DEEP that's there, but not DPH? DPH sets the standards; DEEP goes in and is supposed to do the remediation for drinking water wells. But both agencies have some protective regulations, none of which are particularly protective.

So we have overlaps, we have discontinuities. One of the notably failed programs for -- has been the WUCC program. I think absolutely the wrong way to start is to throw all the resources behind this WUCC program, which has been in existence for almost 25 years, has -- has moved maybe a quarter of the distance they were supposed to move.

The people -- it's -- it's a divisive program because there are no environmentalists in the room. There are no customers in the room.

It's water companies getting together to allocate the customer base among themselves and I don't necessarily think that's a bad idea. But I don't think that is -- should be the basis and the keystone of regional water planning in a state when our vision and, frankly, utilities vision, as expressed in the utility -- a conference of utilities in Aspen is that we should be looking at the entire spectrum of the water resource, both in its natural condition and in water supply systems. And it is all really part of the same resource.

So I really feel this bill is off to a poor start, that it will exacerbate tensions among the agencies. DPH -- this is very tilted towards supply and I'll even just skip the Freedom of Information issue. Without solving that, we really can't go too far.

So I'm perfectly happy to work on it. I know that legislators have worked. We share a common vision, but I think this is taking us in the wrong direction.

REP. GENTILE: Thank you for your testimony, Margaret.

Any questions? Thank you.

MARGARET MINER: Thank you.

REP. GENTILE: Eileen, or Ellen? Eileen? Okay. Followed by Sally Rieger.

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EILEEN FIELDING: I want to thank the Chair -- the members of the Environment Committee for a chance to comment and also for still being here. I am Eileen Fielding, the executive director of the Farmington River Watershed Association, which is a private non-profit

citizens' group with the mission of preserving, protecting, and restoring the Farmington River and its watershed.

I'm here to comment in support of House Bill 5424. It's important to our organization because so much of the state's water supply comes from the Farmington watershed.

FRWA supports proactive water planning and we really want to extend our thanks to everyone involved in drafting this bill and to Representative Hampton for his leadership. We feel it's a welcome step forward, but this version does raise some concerns and I would like to touch on three of them, most of which have already been mentioned. So this is reinforcement.

Section 1b of the bill requires that the plan shall, quote, "meet data collection and analysis needs to provide for data-driven water planning and permitting decisions," and also to, quote, "take into account the ecological, environmental, and economic impact that implementation of the water plan will have."

We support this completely, but it is a tall order and it will take time and resources. In section A, planning funds are allotted to the Office of Policy and Management and the Department of Public Health, but much of the relevant data is gathered and held, for example, by DEEP and other agencies and institutions, and they will need resources if they are to act promptly to inform a water plan that has a fairly ambitious deadline.

So we suggest that the bill more specifically direct funding to agencies involved in these essential tasks of data acquisition, integration, and preparation for modeling.

Section 4a seems to assume that much of the regional water planning will be done by the water utility coordinating councils, and this is despite this ongoing debate about how the WUCC should be reorganized, restructured, remapped, be more inclusive of stakeholders, address more aspects of water as resource, or even be replaced by other planning entities. So specify a role for WUCCs in the bill already if, instead, the Water Planning Council is charged with deciding how to improve or replace the WUCCs as part of its overall planning task. That could leave options open for the best solution to be chosen a little later on.

And third and finally, in section six, concerning the DPH review, there's a provision for the more routine and non-controversial applications and other submissions to be reviewed by licensed water professionals, paid by the submitters, instead of being reviewed by DPH staff.

This would -- this would take a burden off the DPH staff, but the bill really should specify a process for separating the paid reviewer from the submitter so that they're not subject to influence by the person paying for the review.

Thank you.

REP. GENTILE: Thank you. Oh, Representative Mushinsky.

REP. MUSHINSKY: Thank you.

Just questions based on your testimony and Margaret's testimony.

EILEEN FIELDING: Do I have to answer questions on Margaret's testimony?

REP. MUSHINSKY: No, no, no. But -- no. But you had similar points. You had similar points and so I'll ask you since you're the last one of the two of you to speak.

Because I worked on the bill, as you probably know, and I'm trying to fine-tune it, make it better. I think you're correct when you say that DEEP will also need resources to meet the ambitious deadline, and we -- we put money in for the WUCCs and we put money in for the OPM, which is the lead agency for other similar statewide mappings.

So to us, it made sense to put the technical staff in their unit, which used to have planners and doesn't now, and have them prepare the statewide plan, consolidate all the information. And then, it's sent to the Legislature and then we would adopt it, as we do with the Plan of Conservation and Development.

So that was really why they got the funds and not DEEP. But we could reshuffle that and put some of those folks at DEEP to do the natural resources portion of the -- of the technical data and then have other -- other folks in OPM to pull all the Public Health, DEEP, and water supply information into a single document. So we could divide it up. It -- if that would be -- if you think that would be more realistic.

EILEEN FIELDING: Well, if you do talk to folks who work in any one agency, it's not (inaudible). There's seamless communication even within the agency. So it could be that you need some resources to get your internal act integrated before it's available in a very usable form for the overarching entity that's going to be pulling everybody's data together.

So that would make some sense. It -- it might be really hard to determine in advance how much funding would go to each one.

REP. MUSHINSKY: We do have to decide, though, because the props is meeting simultaneous to us and we're trying to -- to give them advice on how to write this into their budget. So you maybe think about this. Do you want to have four people in OPM or do you want to have two in DEEP and two in OPM or how do you want to do this?

Health seems to want to work with consultants to finish the WUCCs, but the other staff, we can -- we can mix and match depending on what you think works better.

Now, you're -- you have a concern about the WUCCs being funded in the bill and at the -- we've been meeting since October and this is now March and it kept coming up over and over, not just from the water companies, but academics and other folks that, since part of the state's water utility planning was done and in parts it wasn't done, that we had uneven data and that it was hard to move onto the next step of writing the plan when we had sections of the state done and other sections not done.

So that was why a consensus arose around finishing the WUCCs. It doesn't mean we endorse the current WUCC process and it doesn't mean we don't think the environmental concerns need to be inserted into the WUCC process. All it means is that about half the state is done and half the state isn't done for water supply purposes.

And to finish the statewide data, it makes some sense to complete a project, at least for

supply, and then move onto plug in the existing missing data.

So that's really why that's in there. It doesn't mean we endorse the process. It means that some of the data is half finished.

EILEEN FIELDING: Would you say that that would suggest that there be language in the bill to point out more clearly that that is only part of the regional planning process that will feed into the overall state water plan?

REP. MUSHINSKY: Yeah. That's what I'm suggesting. We -- we made a stab at that by saying -- somewhere in here, we said -- I'm looking at -- for the WUCC language. But we said environmental impacts or something in here, for additional -- oh -- and environmental protection. It's in section four. We added another criteria for -- to be included in the WUCC plans.

And maybe we could flesh that out a little more, but --

EILEEN FIELDING: Yeah. I think there's some skepticism about whether the WUCCs, as constituted, are able to fully take into account some of the ecological and environmental issues given the -- the constitution and the history and -- and the original mandate for the WUCCs to be planning for water supply. So maybe that could be supplemented with putting additional stakeholders in, if that doesn't cause --

REP. MUSHINSKY: Yeah. That's what I'm --

EILEEN FIELDING: A need for retroactive WUCCing at some point.

REP. MUSHINSKY: I'm encouraging you and Margaret to come up with a way to make the WUCC more considering of all the different purposes of water rather than discard a couple of decades' worth of data. It -- it's just not efficient to throw it all away and start over. It's not efficient and a lot of money has been spent already doing half the state.

So can we -- instead of throwing it away, can we instead insert more stakeholders in the WUCC process and finish the assignment?

EILEEN FIELDING: Well, I think you're asking the easier target of the two of us. No, what you're saying makes sense, that you -- you don't want to throw out good work that -- that's already been done.'

REP. MUSHINSKY: Or money. I mean, we spent a lot of money on this already, too.

EILEEN FIELDING: yeah. I don't know whether I should call Margaret back to comment on this since -- no. She's shaking her head. Okay.

REP. MUSHINSKY: Okay. Well, you guys could carpool together or something and talk about this and see if there's a way to adjust it.

And the last thing you talked about, you're -- you're a little skittish on the licensed water professionals. We're doing this now with DEEP on the licensed professionals. Have you had a problem with that?

EILEEN FIELDING: No. We -- we see the similarity and -- and that it fills a similar need.

REP. MUSHINSKY: Right.

EILEEN FIELDING: But with the licensed professionals, as they already exist, there's a little bit of awkwardness sometimes when you have a licensed professional reviewing something, knowing that they're being paid by the entity that's submitting the report or the application.

And since we have a chance to do this again, maybe that awkwardness should be considered and is there a work around whereby the licensed professional is not directly engaged by the -- the applicant or perhaps engaged by the agency?

Just -- just so that they aren't put in a position where, well, gee, I'll never work again if -- you know, if -- if I take a hard line with some of these things that I should take hard line with.

REP. MUSHINSKY: Okay. All right. Thank you.

REP. GENTILE: Thank you. Wait a minute. Don't go away. Representative Ziobron has a question for you.

REP. ZIOBRON: Hi. Thank you so much for testimony. I -- I found it interesting that you talked about the need for DEEP to be involved and, you know, the allocation towards funds. And I -- just for the record, I -- I just think you should realize also that recently in the Appropriations process, they have taken the limited funds they had for water quality monitoring and took them out of the budget and bonded them.

So I just -- I'm concerned that, you know, we make sure that we're really getting this information quickly as we're going through the process. I really -- I just wanted you to know

I really appreciated you sharing that because it's important information.

Because when I look at -- I'm a member of the Appropriations Committee and I happen to sit on the subcommittee for the Conservation and Development, much to my chagrin of my colleague here. But anyway, you know, I'm looking at it and it -- it's a big change to take what we used to have in our operating budget for water quality. It's over \$500,000 and now we're bonding that.

So I just want to make sure that we're all on the same page going forward. So thank you very much for bringing that forward. I appreciate it.

EILEEN FIELDING: Oh, you're welcome. As an organization who does some of the water quality monitoring and furnishes data to the state, we sympathize.

REP. ZIOBRON: Thank you.

REP. GENTILE: Thank you. Alicea Charamut, followed by Pat Bresnahan.

ALICEA CHARAMUT: Good evening, Environment Committee members. In retrospect, I'm realizing that I should have just submitted an electronic testimony saying we agree with what Margaret said and then gone fishing. My name is Alicea Charmut and I'm here representing the Connecticut Council of Trout Unlimited.

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Trout Unlimited is a national organization whose mission is to conserve, protect, and restore North America's cold water fisheries and their watersheds. There are eight chapters in Connecticut, with over 3,000 members who are very passionate about their local waters.

The Connecticut Council of TU is in conditional of House Bill 5424. First, we are especially pleased to find the addition of establishing conservation guidelines and -- and incentives for consumer conservation and water reuse.

However, the directive to the Water Planning Council to meet data collection and analysis needs to provide for data-driven water planning and permitting decisions is of concern to us. There are severe data collection limitations imposed by FOIA that will not allow the Water Planning Council to meet this directive.

The bill should be amended to include the data contemplation, or at least some of that data, by this system under FOIA or simultaneously amend the FOIA to remove some of the exemptions for water planning data. It is also critical that FOIA be amended to allow public access to the data.

This will allow more meaningful public participation in the water planning process and create a fair balance between well-informed public interest advocates and the for-profit water industry and water trade.

Thank you for your time and consideration.

REP. GENTILE: Thank you, Alicea. Any questions?
Thank you. Oh, Mary.

REP. MUSHINSKY: Oh, just -- just a point of information. The Freedom of Information language is not in here because this bill already has a lot of stops and -- and it's a very short session. And that -- if we add that to this bill now, first there is -- there is not a consensus on that piece and, second, the bill would have to go GA Committee.

So our thinking was to put that piece separate by itself and send it parallel to this one and just stick to that one topic when it goes to GA Committee. That way, even if it doesn't get out of GA, we won't lose the entire bill. So that was the thinking behind it --

ALICEA CHARMUT: Okay.

REP. MUSHINSKY: -- for whatever reason.

ALICEA CHARMUT: Great. Thank you.

REP. MUSHINSKY: Okay.

REP. GENTILE: Thank you. Pat? Followed by David Hoffman.

PAT BRESNAHAN: Thank you and good evening. I'm Pat Bresnahan. I'm the secretary of the Willimantic River Alliance. Our basin is one of two that acts as water supply sources for the University of Connecticut, so we've been following this issue very intently.

I'm here to express our organization's support for House Bill 5424 and also to let you know some of our concerns. We support this bill and I'd like to emphasize that we have an incredible opportunity right now. There's such momentum that has been generated in the past year by the events that -- triggered by the University of -- of Connecticut's need for water.

But that has just been sort of like the tip of the iceberg of -- of a lot of work that's been done over the last 10 years that I've been involved in this issue. So I think we -- we have to not waste the momentum that we have right now and that this bill is an opportunity

to take that momentum and convert it into meaningful progress and meaningful work. So I don't want to let this opportunity pass.

On the other hand, the bill does need some work and there is areas where things need to be clarified. I'll try to stick to -- I want to emphasize some things that others have said and then maybe bring out things that they have not.

The three areas of clarification, that I cede on, is our -- we -- revolve around three questions. Who is going to make what decisions about what water? I'm going to start with the what water.

It's all one water, as Margaret talked -- it's mentioned in her talk. We have surface in-ground water that are connected. If it is the intent of the legislation to encompass all water, I think that the language needs to specifically say that both surface water and ground water is going to be covered until this planning process.

Don't let that -- leave that up to chance because when it's implemented, it could drift towards one or the other and if the intent is both, then make it -- that explicit.

Also under water issue, we have both registered and permitted water diversions in the state. Most of the water is not subject to the same requirements as the permitted diversions are. So if the planning process is intended to encompass all water, then perhaps the legislation should explicitly say both registered and grandfathered diversions.

If you're not familiar with that issue, please talk to -- this is some of the other people

that I've -- because it is kind of a critical issue.

The other area, though, that I think I want to end with and emphasize is -- is the -- the who. And I -- I was a part of the Water Planning Council subcommittee that got into the who is going to make the water allocation decisions?

And our workgroup came up with what we call the Water Allocation Policy and planning model, which endorsed the idea that water planning decisions should be made as a regional planning process and that it should be a stakeholder group.

So we would like to say that -- to conclude with because water is a public resource and because the decisions affecting water are political, that we need a political process with stakeholder representation to not only just be able to speak and address their concerns, but also have some authority and some say as to how their local water is used.

Thank you.

REP. GENTILE: Thank you, Pat. Any questions?

REP. MINER: Have a coffee break?

REP. GENTILE: Just for extreme, you know, disclosure here, informational purposes, any bill that Representative Hwang asked for is going to get passed. Thank you for the coffee, Representative Hwang. Was that your dime, Representative Shaban? David Hoffman. You'll excuse us while I recharge for some caffeine.

DAVID HOFFMAN: First of all, Chairman Meyer, Gentile, ranking members Chapin and Shaban, and distinguished members of the Environmental

SB306
HB5420

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
1066 – 1779**

2014



**FOR THE ENVIRONMENT COMMITTEE /
PUBLIC HEARING TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT
MARCH 7, 2014**

To the Chairmen, Sen. Ed Meyer and Rep. Linda Gentile,
and Members of the Committee:

Rivers Alliance of Connecticut 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. Our 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.

QB312
HB5423
HB5421
HB5420

We write to express conditional support for HB 5424, AAC The Responsibilities of the Water Planning Council. First, we are grateful to the committee for its attention to, and work on, this matter of vital importance to our state. This bill represents a recognition that we need to improve water planning and management in Connecticut. A major positive feature is vesting authority in the Water Planning Council (WPC). The bill also aims to cover the totality of water resources, not just water supply.

We are concerned, however, that the bill as written, does not rise above several barriers that Virginia de Lima (Scientist Emeritus at USGS), Rivers Alliance and others have suggested have thwarted comprehensive water planning in the past. These include fragmented, limited authorities; confusion and competition related to the missions of the Department of Energy and Environmental Protection (DEEP) and the Department of Public Health; lack of executive branch leadership; and lack of resources. The WPC was created to address some of these problems, but, despite many sincere efforts to cooperate, each agency has continued to pursue its own mission and interests, often acting at cross-purposes with the others.

The language in 5424 does not assure that the proposed state water plan will have any more authority than, say, the individual water supply plans, which are required to be written but not required to be implemented. Lines 75-76 do say that the WPC "shall oversee the implementation" of the state water plan. But how? The bill does not call for new governance structures, any mechanism for adjudication of disputes, any new regulations or other rules, or any clear means of enforcement.

Lines 44-46 say that the state water plan shall “include objectives and strategies to effectuate the purposes of this section” [Sec 1(b), a list of what must be in the state water plan]. But the requirements in 1(b) consist primarily of collecting (a formidable amount of) data and writing recommendations; it does not appear that “effectuate” necessitates and structural changes or any ongoing compliance with a plan.

Lines 40-43 require the WPC to “foster” intergovernmental communication on water conservation and planning. Rivers Alliance would prefer something on the lines of: “...*establish* a system of intergovernmental communication to enable adaptive management of the state water plan.”

One of the flaws in our state water planning and management up to now has been the imbalance between provision for water supply and protection for water resources in their natural conditions. In this bill, the former still receives much heavier attention than the latter. Yes, there are phrases here and there that refer to ecological, environmental, and recreational values, but they are tentative and overshadowed by supply considerations. For example, lines 37-38 in 1(b) require the WPC to “inform residents of the state about the importance of water-resource stewardship.” Most people in or associated with the WPC have been doing that for years. At this point, the state needs an action plan to implement water-resource stewardship. Education is always good but not good enough.

Another example is in line 204, in the section outlining 11 provisions that must be included in a WUCC plan. “environmental protection” is inserted in provision 9; that’s not adequate consideration.

The requirements for the WPC and the proposed funding seem to anticipate decisions that have yet to be made by the WPC, if we assume that the WPC will really be responsible for the planning. In particular, the directive in lines 20-21 to “integrate water utility coordinating plans [WUCCs]” is premature.

WUCCs were created more than 20 years ago (in 1985) to give water utilities, with the guidance and approval of DPH, the opportunity to meet, divide up the customer base, and agree upon supply arrangements in regional plans. Seven WUCC regions were designated. But only four WUCCs have been convened; only one has a completed, DPH-approved regional plan. The process has been confused at best.

For years, the WPC has been debating what to do about the WUCCs on fundamental questions: How many WUCCs should there be? Should the state go with just one WUCC? Should environmental agencies or interests be represented in the WUCCs? How so? Should they have a vote? Assuming the WUCCs remain focused exclusively on water supply, who gets to vote? What are the proper procedures for meetings? Is it prudent state policy to rely on guaranteed exclusive service areas, as the governmental scheme for water? What is the appropriate regional area for a WUCC -- a watershed? A COG area? Existing arrangements among suppliers? Within WUCCs, should all suppliers, public and private, have to meet the same standards? Who should create the

WUCC regional plans and who should pay? How should WUCC plans relate to other plans of conservation and development? How should plans be updated and when? Etc.

We believe that the future of the WUCCS should be decided by the WPC following a discussion of possible approaches. The history of problems and setbacks is not entirely for lack of trying. It appears that there are intrinsic problems in the design of the program.

The WUCCs need a fundamental review. As set out in the WUCC statute (see lines 192 ff), the main purpose of the WUCCS is to "promote cooperation among public water systems." This is a benefit for water utilities but not necessarily for their customers or the waters in the public trust.

Rushing ahead to try to do WUCC plans ahead of working on the state plan is a mistake. Appropriating \$1 million to give to DPH for this purpose (only vaguely defined) threatens to exacerbate the friction between the agencies and to destabilize the planning process. In effect, it puts water companies in control of state water planning. Meanwhile DEEP, which has repeatedly stressed the importance of researching and managing the available water data, is delegated to a position a step or two lower than second fiddle. This puts enviros and water suppliers on a collision course, the very thing this bill was intended to avert.

We urge that any funding at this time be directed to the WPC to use for determining priorities and moving forward. For example, it appears in discussions with science stakeholders (and in following the WPC water-allocation flow chart) that identifying existing water data is a key early step. Then we need to know whether this data is or can be available in usable form for planning. But others might have other different first steps to recommend. So how to get started is one of the first decisions facing the WPC.

We would favor consideration of an independent status for the WPC, such that it could receive and spend funds. If that is not possible, then you could consider a set-up in which each agency would have a WPC budget line, and the WPC would have a voice in who gets what funding for what purpose.

Rivers Alliance and others have pointed out frequently that leadership from the governor's office is probably essential for the success of water planning. This has been true in other states. Therefore we see logic in using OPM for major planning decisions agency. Lines 276-281 appropriate \$500,000 to OPM for "the purpose of providing the WPC with the requisite staff to develop the state water plan."

This could work well if the WPC determines who is hired to do what. But if the staff is really working for the Secretary of OPM (classy as he is), they will sooner or later be diverted from water planning. At this time, it is more important to integrate decision-making than to elevate one WPC agency above the others.

The "licensed water professional" program described in Sec. 6 (l. 216 ff) is similar to the LEP (licensed environmental professional program). It is likely to have the same strengths and weaknesses. The strength is less work for DPH and water company regular staffs. Outside professionals in the field would take up part of the burden. But if the LWP is paid by the individual client or applicant, there is an inevitable conflict of interest.

Sec 7 Lines 262 ff), dealing with a drought disaster sets up another fragmented configuration of authorities. Drought response should be an integral part of the plan.

Finally, the bill does not address the pervasive problem that the majority of the data needed for planning is not available to the public as a result of the FOI exemptions for water utilities passed in 2002-2003.

Rivers Alliance supported *Public Act 02-102 An Act Concerning Water Supply Plans and Water Diversions*, which amended Section 25-32d of the general statutes. It is an attempt at common-sense enhancement of security against sabotage. This was followed by *Public Act 02-133 An Act Concerning the Disclosure of Security Information under the Freedom of Information Act*, which dramatically increased water secrecy. The final door closed on water-utility transparency was a section of the 2003 budget implementor bill (PA 03-6 passed in the summer special session).

These secrecy laws, unique to water utilities, have interfered with research on water supplies, DEEP's responsibility to report to the federal government on dam safety, the USGS effort to collect data on water use in Connecticut, etc., etc.

We would like to register general support for RB 312, the much-needed "Blue Plan" for L.I.Sound, and for HB 5423, which would limit boat speeds in some areas of the Connecticut River.

We oppose RB 5421, which would worsen the already imperfect planning for, and regulation of, the problematic alternative sewage treatment systems. Incidentally, these already are permissible in a decentralized wastewater district.

We have a question about HB 5420, which would amend 22a-471 relating to providing water supply in contaminated areas. The statute now refers to "potable" water. HB 5420 would mandate water supply for "water required to meet the public health, firefighting and economic development needs." Shouldn't the assistance be for existing, emergency needs of a community? This sounds as if the assistance might have to be extended into the unlimited future for development needs.



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STATE OF CONNECTICUT

Water Planning Council

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Betsy Wingfield
Department of Energy and
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Connecticut Water Planning Council
Testimony of Commissioner John W. Betkoski, III
On Raised Bill 5424 - An Act Concerning the Responsibilities of the Water Planning Council
submitted to the Environment Committee
on March 7, 2014

Good afternoon Senator Meyer, Representative Gentile, Senator Chapin, Representative Shaban and members of the committee. My name is John W. Betkoski, III and I am Vice-chairman of the Public Utility Regulatory Authority and Chairman of the Water Planning Council, which is made up of representatives of the Department of Energy and Environmental Protection, the Department of Public Health, the Public Utility Regulatory Authority and the Office of Policy and Management.

I appear before you today to present testimony on behalf of the Water Planning Council on Raised Bill 5424, An Act Concerning the Responsibilities of the Water Planning Council. First, I would like to thank this committee and the efforts of Representative Hampton and other legislators in supporting the Water Planning Council and advocating for the creation of a state-wide Water Resource Plan.

We are generally encouraged by and supportive of Raised Bill 5424. While the Water Planning Council has some concerns and questions about particular aspects of the bill and we are concerned about the fiscal impacts of several provisions, we believe that this bill provides a useful starting point for further discussion and we look forward to working with the committee and Representative Hampton as we move forward during the legislative session. Thank you for the opportunity to appear before the committee and the opportunity to submit testimony on this bill.



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MEMBER
 AGING COMMITTEE
 EDUCATION COMMITTEE
 PUBLIC SAFETY COMMITTEE

March 7, 2014

Senator Meyer, Representative Gentile, Senator Maynard, Representative Albis, Senator Chapin, Representative Shaban and distinguished members of the Environment Committee.

I am State Representative John Hampton from the 16th District (Simsbury) and I am testifying in support of **HB 5424, An Act Concerning the Responsibilities of the Water Planning Council.**

First and foremost, I would like to thank you for giving this bill a public hearing.

HB 5424 is a major step towards a comprehensive and dynamic statewide strategic plan for the supply, distribution, quality, protection, conservation, and administration/oversight of one of the state's most vital resources – our water.

This legislation was crafted utilizing the recommendations that came from the Water Subcommittees that were convened earlier this year after the first ever Connecticut Water Summit, which brought together major stakeholders to address this vital issue—they included legislators from both side of the aisle—*many in this room*—agencies, environmental groups, academics, business leaders and water providers.

I wish to thank Representatives Mushinsky, Albis, Miller, Steinberg, and Rojas, for their great service as chairs of the three subcommittees, 1.) *Supply & Distribution* 2.) *Quality, Protection, & Conservation*, and 3.) *Administration, Infrastructure & Oversight*.

We had a wealth of talent and expertise on the subcommittees working collaboratively on this initiative. Each member provided their unique experience and perspective and for that we are extremely grateful.

I'd also like to give special thanks to the University of Connecticut for adding their support to this effort through their representation on a subcommittee and through a very successful water conference last month. Their contributions greatly enhanced our efforts.

I would like to recognize the hardworking folks of the Water Planning Council who have been diligently striving toward a statewide water plan but lack the tools and resources that they need to fulfill their mission. The Water Utility Coordinating Committees (WUCCs), which are charged with creating regional plans for resolving supply problems in various regions of the state, also need more support to complete their prescribed charge.

The consensus recommendations from the subcommittees resulted in the legislation before you that does the following:

Sec. 1 - Updates the Water Planning Council statute to require the group produce a state water plan, with stakeholder input, by January, 1 2017. The plan must be submitted to the legislature for approval before the Water Planning Council implements it and the group must report to this and other committees of cognizance on its progress annually beginning in 2015.

Sec. 2 and 3 - Authorize the Department of Public Health to award grants for upgrades to drinking water systems.

Sec. 4 - Adds "environmental protection" to the list of items that Water Utility Coordinating Committee Plans must incorporate.

Sec. 5 - Updates DPH Water Utility Coordinating Committee consultant language.

Sec. 6 - Creates the DPH licensure category of licensed water professional, similar to Department of Energy and Environmental Protection's licensed environmental professional, to review water provider proposals and ensure their compliance with state and federal law.

Sec. 7 - Requires the councils of governments (COGs) to develop and implement a response plan when the Governor declares a major disaster due to drought.

Sec. 8 - Adds resources to the Water Planning Council and DPH to develop the statewide water plan and complete the remaining Water Utility Coordinating Committee plans.

The legislation addresses the multiple layers of water planning and takes into account key aspects, including conservation, water reuse, critical data collection, and permitting decisions, as well as the ecological, environmental and economic impact that implementation of a water plan will have on the state.

The pieces are in place to get the job done. This proposed legislation connects these pieces with resources to achieve their common objectives.

As state leaders, we work together to plan responsibly for the future—*for our children's education, public safety and transportation.*

Our water needs similar strategic visioning. This legislation will go a long way toward managing water resources in a sustainable manner in order to support the state's economy, protect public health and natural systems, and enhance the quality of life for all citizens.

Thank you again for your kind consideration and I welcome your questions.



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Testimony of Maureen Westbrook, Connecticut Water Company
Environment Committee - March 7, 2014
HB 5424 AAC The Responsibilities of the Water Planning Council

Connecticut Water is pleased to provide comments in support of HB 5424 AAC The Responsibilities of the Water Planning Council. We thank the legislators who have brought renewed focus to the issue of state water planning and the Environment Committee for raising this bill.

As a public water utility, Connecticut Water serves approximately 90,000 customers or 300,000 people in 56 towns in Connecticut. We have long been stewards of the environment and strive to ensure that water resources are protected and our water utility operations are sustainable. We have been involved with various stakeholder groups over the years, working together to provide for balanced water policy in Connecticut.

We concur with comments submitted by the Connecticut Water Works Association (CWWA).

Connecticut Water strongly believes thoughtful water supply planning is critical for the protection of our state's water resources, the provision of adequate water supplies to meet the public health and safety needs of our residents, and to support smart economic development while protecting the environment, and providing recreational opportunities.

It is important that a state water plan be balanced, supported by sound data, and adequately consider all water needs. HB 5424, which updates existing law from the 1960's and directs the state's Water Planning Council to develop a state water plan, sets the stage for that process. The provisions of the bill that call for stakeholder input and consideration of existing planning documents are important to provide the necessary balance. We concur with CWWA that language should be added in Section 1(b) to explicitly require the plan to consider the quantity, quality and availability of water for public water supply needs and to require that a state water plan be approved by a unanimous vote of the Council.

The Water Planning Council, which is statutorily established and includes the four agencies which each have a role in regulating water in Connecticut, is the appropriate entity to take the lead on the state water plan. Further, the Water Planning Council Advisory Group, also established by statute, has stakeholders with a balance between consumptive and nonconsumptive uses, and environmental interests. Members of the advisory group represent water, wastewater, agriculture, electric power generation, business and industry, environmental land protection, river protection, boating, fisheries, recreation, endangered species, and members of academia with expertise in stream flow, public health and ecology. The depth of knowledge between the agencies that comprise the WPC and the members of the Advisory Group is significant and particularly well suited to advance the dialogue and develop a well-balanced state water plan.

There has already been a significant body of work developed through the WPC process, but the WPC has lacked staff or resources to formally develop a comprehensive state water plan. The funding provided in this bill seeks to address that gap.

The bill specifically notes in Section 1(a) that, among other things, the state water plan should integrate Water Utility Coordinating Committee plans (WUCC plans). We believe this will provide critical information for any comprehensive and effective water planning effort. The WUCC plans, required by Section 25-33c through 25-33h of the CGS, are designed to maximize efficient and effective development of the state's public water supply systems and to promote public health, safety and welfare through coordinated planning of public water supply systems. While it is certainly not the only information required, these public water supply plans are a critical component that need to be considered in any meaningful state water planning effort. Having data on current and projected water supply needs across the state, based on an objective analysis of state and local planning documents, and understanding how those water supply needs will be met, is essential to making informed decisions in any state water plan. We applaud that Section 8(b) of the bill includes funding for the Department of Public Health for consultants to complete the WUCC process and urge you to maintain such funding.

Section 1(b) of the bill requires that the plan "meet data collection and analysis needs to provide for data driven water planning and permitting decisions." We share the view of other stakeholders that sound data is key to good decision making. Much data has been provided through the years by the regulated community to the agencies in permit applications or in compliance reporting but because it is housed within different agencies and there is no consistent reporting format or common clearinghouse, that data is not readily usable by the agencies for permitting or for sound planning. As such, we would urge that at least a portion of the funds in Section 8(a) provided to the Office of Policy and Management (OPM) to facilitate the completion of the plan be used to develop and support data collection systems and modeling methods necessary to make informed planning and permitting decisions. We suggest that it may be best to ensure that any funding mechanism be sufficiently flexible to allow funds to be directed to agency staff and/or consultants to support the data collection and planning effort.

We urge the committee to support the provisions in Section 6 that provide for the creation of a Licensed Water Professional (LWP). This would reduce the administrative and staffing burdens of DPH and facilitate timely review of applications or other requests to DPH submitted on behalf of the applicant by a qualified LWP. Particularly, in this time of budget constraints, this is an innovative and cost effective ways to carry out provisions of the DPH programs. We would note that subsection (a) of Section 6 is already in effect, whereby DPH can already delegate its authority to carry out provisions of the statutes on their behalf to outside agents or engineers. CWWA has suggested some language changes for this section that we concur would help further clarify the intent and implementation of the program.

We thank the Committee for raising HB 5424 and ask for your support of the bill. We stand ready to work with members of the Committee, our water industry colleagues, and other stakeholders to revise the language, as appropriate to accomplish the desired goals of the legislation. If you have questions please contact Maureen Westbrook at 1-860-664-6055 or mwestbrook@ctwater.com.



**TESTIMONY
ELIZABETH GARA
EXECUTIVE DIRECTOR
CONNECTICUT WATER WORKS ASSOCIATION
BEFORE THE ENVIRONMENT COMMITTEE
MARCH 7, 2014**

RE: HB-5424, An Act Concerning the Responsibilities of the Water Planning Council

The Connecticut Water Works Association (CWWA), which represents, municipal, private and regional water companies, *supports the intent of HB-5424*, which directs the legislatively created Water Planning Council to develop a state water plan.

Developing a state water plan is a critical step in ensuring that Connecticut has sufficient public water supplies to meet the state's current and future public health, safety and economic development needs while providing for other water resource needs including waste assimilation, agriculture, recreation, fisheries, and other environmental needs. CWWA's Board of Directors and Legislative Committee reviewed and discussed the proposal and identified the following recommendations to strengthen the bill, for your consideration:

Water Utility Coordinating Committee Process

One of the first steps in moving forward with the development of a state water plan should be the completion of the Water Utility Coordinating Committee (WUCC) process and approval of their respective plans. Building on the WUCC process to provide for coordinated water supply planning will provide important data necessary to the development of a state water plan. As such, we believe that the timeframe for completing the plan should be adjusted to logically account for completion of the WUCC process. Accordingly, we recommend that Section 1 line 6 of the bill be amended to provide that "Not later than two years after the completion of the WUCC plans, the Water Planning Council, shall prepare a state water plan..."

Note: This view is supported by water utilities as evident by the attached letter of support to Commissioner Mullen from CEOs of the four major water utilities.

Data Collection

In addition to completing and approving the WUCC plans, data collection must be a priority. Any state plan must be developed, based on objective data and proven scientific methodologies, to ensure that laws and policies affecting water allocation are balanced and do not undermine the availability of public water supplies needed to meet the needs of residents and businesses, now and in the future.

Section 1 (a) of the bill delineates the activities that should be undertaken by the Water Planning Council in developing the state plan. Given the importance of basing the plan on objective data and proven scientific methodologies, we recommend that the list of activities specifically include "the development of a data collection framework and identification of appropriate scientific methodologies". Moreover, a portion of the funding available to the Water Planning Council should be set aside for such data collection.

Deadline for Completion of the Plan

CWWA is concerned that the bill specifies a date certain for completion of the plan (January 2017) without first more clearly defining what the plan shall include or having the data available that may be necessary to prepare the plan. While we recognize the importance of having a schedule and holding the agencies accountable for timely completion of the plan, we think a necessary first step may be to require that the Water Planning Council and its advisory group collectively identify and report to the legislature by next session the specific goals, timeline, data needs, and budget for the development of a statewide water plan. This is consistent with prior recommendations of the Program Review report and the discussions at the recent Water Forum hosted by the University of Connecticut which recognized the difficulty in capturing all of the elements of what should be included in a state water plan.

Scope of the State Water Plan

CWWA would also like to emphasize that the state water plan should be designed as a planning tool to guide discussions about water resources management and not a mechanism for determining how water should be allocated. It is unclear, under the bill, how the plan is intended to be used and this should be clarified. Particularly since the bill directs the Water Planning Council to oversee the implementation of the plan, it should be clearly established from the onset the scope of the plan and how the information will be used.

CWWA has long maintained that a statewide water use plan is critical to ensuring that policies affecting water allocation, such as the state's stream flow regulations, are based on objective data and proven methodologies to ensure that such policies are balanced and protect the availability of water supplies to meet the state's public health, safety and economic development needs. Once a state water plan has been developed, we should revisit policies affecting water management and allocation to ensure that they are consistent with the state water plan.

Components of a State Water Plan

Section 1(b) of the bill outlines the components of the plan. While it has a number of important elements, CWWA is very concerned that this comprehensive list fails to include a specific reference to the need to protect the availability of public water supplies to meet the state's present and future public health, safety and economic development needs. Language should be added in Section 1(b) to explicitly require the plan to consider the quantity, quality and availability of water for public water supply needs.

Approval of a State Water Plan

CWWA further recommends that the bill be amended to incorporate a recommendation of the legislature's Program Review & Investigations Committee in its report of December 2003. The non-partisan committee recommended that a state water plan be

approved by a unanimous vote of the Council, which is comprised of representatives of DEEP, the state Department of Public Health, the state Public Utilities Regulatory Authority and the Office of Policy and Management. This recommendation recognizes that no one agency should be in a position to exert undue influence over the outcome of a long-range plan. (*Legislative Program Review & Investigations, Streamflow Study, December 2003*).

To that end, we believe Section 8 should also be clarified to provide that the funding is appropriated to OPM, "for administrative purposes only." Again, we agree with the Program Review committee finding that no one agency should be in a position to exert undue influence.

Stakeholder Process

Although Section 1 of the bill directs the Water Planning Council to seek the involvement of interested parties and the input of the WPC Advisory Group, we would like to emphasize that in order to achieve these goals, we recommend that the WPC adopt a collaborative model which recognizes that state agencies and stakeholders must work together to develop balanced policies.

CWWA would also like to note that Connecticut has taken some important steps toward developing a state plan. The establishment of the Water Planning Council and its charge to create a continuing planning process has helped facilitate greater coordination and communication among the agencies that regulate water in Connecticut. In addition, the development of the Water Planning Council Advisory Group has provided a formal mechanism for stakeholders with various interests to meet and consider important water resource matters. While the parties have not necessarily always agreed, this ongoing opportunity for communication and discussion has been beneficial in fostering a greater level of trust and cooperation between stakeholders and in finding some areas of common ground.

These efforts continue to be helpful in moving Connecticut forward with a statewide water use plan that properly balances competing demands on water resources.

Licensed Water Professionals

CWWA supports Section 6 of the bill which authorizes the state Department of Public Health to establish a Licensed Water Professional (LWP) program to facilitate timely review of matters before the department. This program would be modeled after the successful Licensed Environmental Professional program administered by DEEP, which has streamlined certain regulatory approval processes related to brownfields remediation, while *significantly reducing state costs* by reducing the administrative burden on DEEP staff to process such approvals.

Current law, Section 25-35, of the general statutes already authorizes the department to retain consultants to perform certain types of reviews. Although the bill indicates in Section 6(a) that this is new language, it is already codified in statute.

CWWA requests, however, that (b) of this section be clarified to provide that a LWP may only be used upon request of the applicant, who could submit an application prepared by a LWP for approval in lieu of the traditional department review.

CWWA
1245 Farmington Ave., 103
West Hartford, Ct 06107
Tel 860-841-7350, gara@gmlobbying.com

Water Quality Funding

CWWA also supports Sections 2 and 3 of the bill which update a funding mechanism to assist water companies in addressing water quality issues. This program was developed in the 1970s under the Safe Drinking Water Act and was instrumental in funding projects to improve water quality. At one point, funding of as much as \$7 million was authorized for eligible water quality projects. This section makes an important shift in the oversight of this program to the Department of Public Health which has oversight of water quality and compliance of the Safe Drinking Water Act regulations for Connecticut's public water suppliers.

Given the need to meet increasingly rigorous water quality standards, authorizing \$50,000 for such projects is clearly inadequate. We recommend that the committee determine a more appropriate amount.

State Water Planning Funding

CWWA agrees that funding is needed to assist the Water Planning Council in developing a state water plan. We believe Section 8 of the bill should be revised to clarify that these funds may be used for staff and/or outside consultants with the expertise needed to assist in developing the plan.

Declaration of Major Disaster Due to Drought

Section 7 (c) (1) should be amended to include "public water supplier or suppliers in the region" as the list of entities called upon to develop a response plan to determine whether non-emergency use of water should be restricted when the Governor declares a drought emergency. It should be amended to require that the response plan be "consistent with the state drought plan and the emergency contingency plan of any public water supplier providing water service with the affected communities." This language should also be amended to authorize the use of interconnections to meet public water supply needs.

CWWA commends Rep. John Hampton, Rep. Mary Mushinsky and other lawmakers for their leadership role in moving forward with legislation to create a comprehensive state water plan that will provide us with the data and information to understand how policies may affect Connecticut's water resources. We look forward to working with the committee on the issues we have identified in our testimony, which we have summarized as follows:

Recommendations:

1. Amend Section 1, line 6 of the bill to provide that "Not later than two years after the completion of the WUCC plans, the Water Planning Council, shall prepare a state water plan..."
2. Amend the list of activities include in Section 1(a) to include "the development of a data collection framework and identification of appropriate scientific methodologies;
3. Require the Water Planning Council and its advisory group to collectively identify and report to the legislature by next session on the specific goals, timeline, data needs, and budget for the development of a statewide water plan;

4. Add language in Section 1(b) to explicitly require the plan to consider the quantity, quality and availability of water for public water supply needs;
5. Emphasize that the state water plan should be designed as a planning tool to guide discussions about water resources management and not a mechanism for determining how water should be allocated;
6. Amend HB-5420 to provide that a state water plan be approved by a unanimous vote of the Water Planning Council to ensure that no one agency should be in a position to exert undue influence over the outcome of a long-range plan;
7. Clarify Section 8 to provide that the funding is appropriated to OPM, "for administrative purposes only;"
8. Amend Section 6(b) of the bill to provide that a Licensed Water Professional may only be used at the request of the applicant;
9. Determine a more appropriate funding level to assist water companies in meeting rigorous water quality standards as called for in Sections 2 and 3;
10. Amend Section 8 (a) of the bill to clarify that funds may be used for staff and/or outside consultants with the expertise needed to assist in developing the plan;
11. Amend Section 8(b) to provide that this funding should be used for the "purpose of entering into contracts with consultants to provide services to *update and complete* water utility coordinating committees...", and
12. Amend Section 7(c) (1) of the bill to include "public water supplier or suppliers in the region" in the list of entities called upon to develop a response plan to restrict non-emergency use of water when the Governor declares a drought emergency and require that the response plan be "consistent with the state drought plan and the emergency contingency plan of any public water supplier providing water service with the affected communities."



Source of the Future

Connecticut Water



The Metropolitan District
Hartford, Connecticut

Regional Water Authority

Dr. Jewel Mullen, Commissioner
Connecticut Department of Public Health
410 Capitol Avenue
Hartford, CT 06134

Dear Commissioner Mullen:

Perhaps there is no greater impact on public health than safe, high quality drinking water. As the leaders of the four largest drinking water providers in Connecticut, we count it a privilege to serve the people of our state. Together, we provide water service to nearly 2 million people across 132 cities and towns.

We are writing to voice our support for the completion of the Water Utility Coordinating Committee (WUCC) Planning process established under Sections 25-32c thru 25-33h of the CT General Statutes. The WUCC process was designed to address water quality and quantity issues on a regional basis to promote cost effective and efficient solutions. Much has been done in the years since the statute was passed in 1985. But much remains to be completed as well. It is time to press forward and complete the task, particularly with the recent legislative focus on the need for a State Water Plan. The WUCC plans should be an integral part of any such state plan. Fundamental to our ability to protect that resource and meet our public service obligation is our ability to plan for the future.

Our organizations recognize that additional resources and funding may be necessary to do so. We urge the Connecticut Department of Public Health to seek the resources necessary to complete and sustain this vital planning process, and we stand willing to support your efforts to do so.

Sincerely yours,

Larry L. Bigelman
President & CEO
South Central Connecticut
Regional Water Authority

Charles P. Sheehan
CEO
The Metropolitan District

Charles V. Fiolotte
President & CEO
Aquarion Water

Eric W. Thorberg
President & CEO
Connecticut Water

cc: State Representative John K. Hamplon

Environment Committee
March 7, 2014
Associate Vice President
Public Hearing
Testimony
By

Thomas Callahan

University of Connecticut

Co-Chairs, Ranking Members, and Members of the Environment Committee, thank you for the opportunity to testify today in support House Bill 5424, An Act Concerning the Responsibilities of the Water Planning Council.

Last year, the University of Connecticut's efforts to secure additional water supply for its Storrs campus and nearby areas of Mansfield became a matter of considerable statewide interest. During an environmental impact evaluation undertaken pursuant to Connecticut Environmental Policy Act (CEPA), UConn analyzed several options, including an interconnection with the Metropolitan District Commission system. Ultimately this option was not selected as UConn opted to proceed with Connecticut Water Company whose source of supply – Shenipsit Reservoir – is located nearby in Tolland. Over the past year, UConn's consideration of the MDC option has been cited as the prime example of why Connecticut needs a statewide water resources plan.

We concur and there are other important reasons, as well.

Last April, at the request of some of our state's leading environmental advocacy groups, UConn agreed to use its convening and academic influence to broaden and elevate the dialogue surrounding the need for a state water resources plan. During the past summer and fall, a steering committee comprised of representatives of these groups and UConn faculty, chaired by Dr. Gene Likens, a globally respected water resources scientist, National Medal of Science recipient, and Special Environmental Advisor to UConn President Herbst, planned a daylong symposium. On February 3, 2014 approximately 125 individuals from across Connecticut's water resources community – industry professionals, environmentalists, state regulators, local elected officials, regional planners, and academics – participated in a daylong *Connecticut Water Resources Planning Conference and Workshop*. A conference agenda and attendees list is attached.

From the outset, the Steering Committee sought to time and execute a conference that would provide deliverables capable of advancing the creation of a state water resources plan. We believe the conference accomplished that objective.

In the morning, we focused on the need for a plan and identified the essential elements, based on work done in other states and countries. We also identified the opportunities and obstacles to moving forward.

Over lunch, Governor Malloy conveyed his unequivocal support for the timely completion of such a plan as critical to strengthening Connecticut's economy and protecting its environment. In his remarks, the Governor noted:

"Smart water policy is smart economic and environmental policy. I commit to you today that we will get a state water resources policy done. We've done that for energy already, and we have the opportunity to tackle water now. We can't afford to take water for granted and waste our greatest resource".

That afternoon we used professional, facilitated discussion and anonymous keypad polling to gauge the level of agreement among conferees for six guiding principles to drive the development of a state water resources plan as well nine short-term actions to advance the plan.

I will not attempt to summarize all of the key findings today. They are available at: <http://www.envpolicy.uconn.edu/waterconference.html> However, three findings directly related to the provisions of HB 5424 are particularly noteworthy to call to the attention of the Committee:

- 92% of conferees agreed or strongly agreed that Connecticut needs a state water resources plan.
- 81% agreed or strongly agreed that the Water Planning Council should be directed to identify the scope, completion schedule, stakeholder/public participation process and budget required to create a state water resources plan.
- 75% agreed or strongly agreed that the Water Planning Council be provided the requisite authority and resources in 2014 to enable it to submit a draft plan to the Governor and General Assembly in the FY15/16 biennium.

Developing a state plan will not be linear. Rather it will, by necessity, be iterative. With the full support of President Herbst, UConn is prepared to support this effort by providing both relevant expertise and technical assistance that resides within its faculty and staff to assist the Water Planning Council in any effort it undertakes to develop and implement a plan.

Thank you for the opportunity to testify.

Connecticut Strategic Water Resources Planning Conference & Workshop

Conference

- 8:00 AM - 8:30 AM *Registration*
- 8:45 AM - 9:00 AM *Overview.* Conference Goals and Objectives
 Dr. Gene Likens, Founder, Cary Institute;
 Special Advisor to the President for Environmental Affairs,
 University of Connecticut
- 9:00 AM - 10:00 AM *Keynote:* What is the State-of- the-Art in Water Resources Planning?
 Dr. Richard Palmer, Chair, Civil & Environmental Engineering,
 UMass
- 10.00 AM -11:15 AM *Panel:* Water Availability and Allocation – State-of-the- art techniques and integrated models
 Dr. Casey Brown, Associate Professor, Civil & Environmental Engineering, UMass
 Virginia deLima, USGS
 Peter Galant, Tighe & Bond
 Dr. Glenn Warner, Professor, Natural Resources Management & Engineering, UConn
 Jeff Yates, Fund for the Environment, Fairfield Community Foundation
 Moderator: Professor Joseph MacDougald, Executive Director, Center for Energy & Environmental Law, UConn Law
- 11:15 AM to 12:30 PM *Panel.* Opportunities and Obstacles for a Connecticut Plan
 CT State Senator Ed Meyer
 CT State Representative John Hampton
 Jack Betkoski, CT Public Utilities Regulatory Authority
 Ellen Blaschinski, CT Department of Public Health
 Macky McCleary, CT Department of Energy & Environmental Protection
 Margaret Miner, Rivers Alliance of Connecticut
 Maureen Westbrook, Connecticut Water Company
 Moderator: Dr. Bradford Gentry, Co-Director of the Center for Business & the Environment, Yale University
- 12:30 PM to 1:30 PM *Lunch* Remarks: **Governor Dannel P. Malloy**

Workshop

Afternoon sessions will invite conference participants to articulate a vision for a Connecticut water resources plan and suggest its guiding principles. Facilitated by Lisa Carlson, Engaged Public and graphically recorded.

- 1:30 PM to 2:30 PM *Work Session* Vision for Connecticut
- 2:30 PM to 3.15 PM *Work Session* Guiding Principles for a CT Strategic Water Resources Plan
- 3:15 PM to 4:15 PM *Plenary* Next steps and wrap up
- 4.15 PM to 5.00 PM *Reception*

Conference Goals/Objectives/Desired Outcomes

- Better understand best practices in water planning and their implications for Connecticut
- Identify opportunities and obstacles
- Articulate the ideal vision for a Connecticut strategic water resources plan
- Agree on guiding principles to inform a Connecticut strategic water resources plan
- Develop and agree on the next steps regarding implementation

Possible Guiding Principles for a Strategic Water Resources Plan

- Promote conservation and management for sustainable water resources on a watershed basis
- Use broad, stakeholder based, long-view perspective for water management and conservation
- Use science, best data and local knowledge in a transparent and documented process
- Incorporate future variability, uncertainties, and risk in the decision making process
- Promote environmental justice – the fair treatment of people of all races, cultures and incomes
- Increase regional self-sufficiency and resiliency by promoting regional coordination and collaboration among local governments and agencies, public and private organizations, and Tribal governments and Tribal communities

Conference Planning Committee

Dr. Gene Likens, Cary Institute/University of Connecticut
 Dr. Greg Anderson, University of Connecticut, Ecology & Evolutionary Biology Department
 Virginia DeLima, United States Geological Survey
 Tom Callahan, University of Connecticut, Office of Infrastructure Planning & Strategic Project Management
 Professor Joseph MacDougald, University of Connecticut, School of Law
 Richard Miller, University of Connecticut, Office of Environmental Policy
 Margaret Miner, Rivers Alliance of Connecticut
 Roger Reynolds, Connecticut Fund for the Environment
 Dr. Mark Urban, University of Connecticut, Ecology & Evolutionary Biology Department
 Dr. Glenn Warner, University of Connecticut, Natural Resource Management & Engineering
 Dr. Mike Willig, University of Connecticut, Environmental Sciences & Engineering

Conference Facilitation & Recording

Lisa Carlson, Engaged Public, Denver, CO
 Kristen Petty, Engaged Public, Denver, CO
 Kriss Wittmann, Wittmann Studios, Denver, CO

Our thanks to UConn's Office of the President, the UConn School of Law, the UConn Law School Center for Energy & Environmental Law and the UConn Health Center for providing the financial, facilities and logistical support for this event

 Connecticut Strategic Water Resources Planning Conference Participant List

Sid	Albertsen	State of CT Retiree	Sally	Kruse	PSEG
Gregory	Anderson	University of Connecticut	Joseph	Lanzafame	New London
Chet	Arnold	University of Connecticut	Marianne	Latmer	Berkshire Hathaway
Barney	Austin	INTERA	Matthew	LeBeau	Senator Blumenthal's Office
Jocelyn	Ayer	Northwest Hills Council of Governments	W David	LeVasseur	Office of Policy & Management
David	Banker	The Metropolitan District	Gene	Likens	UCONN
Richard	Barlow	Town of Canton	HENRY	LINK	ENVIRO ENERGY CONNECTIONS
Christopher	Bellucci	CT DEEP	Eugene	Livshits	SCRCOG
Amanda	Belmar	UCONN School of Law	Joseph	MacDougald	University of Connecticut
John	Betkoski	Connecticut Public Utilities Regulatory Authority	Martin	Mador	Sierra Club
Patricia	Bisacky	CTDPH Drinking Water Section	Amber	Martin	UCONN School of Law
Ellen	Biaschinski	State of CT, Department of Public Health	Virginia	Mason	PRWC
Patricia	Bresnahan	Willimantic River Alliance	Lori	Mathieu	CT Dept of Public Health
Claude	Brouillard	Self	Macky	McCleary	CT Dept of Energy & Environ Protection
Lori	Brown	CT League of Conservation Voters	Jeffrey	McCutcheon	University of Connecticut
Horace	Brown	CRCOG Regional	Daniel	Meaney	Connecticut Water Company
Ann	Brown	Town of Old Lyme	Susan	Morrow	CT Council on Environmental Quality
James	Butler	Southeastern CT Council of Governments	Steve	Messer	DPH, Drinking Water Section
Thomas	Callahan	University of Connecticut	Rich	Miller	University of Connecticut
Lisa	Carlson	Engaged Public	Margaret	Miner	Rivers Alliance of Connecticut
Thomas	Caruso	Public Utilities Regulatory Authority	Daniel	Morley	CT Office of Policy & Management
Alicea	Charamut	Connecticut Council of Trout Unlimited	Donald	Morrissey	Aquanon Water
Cheryl	Chase	State of CT DEEP	John	Mullaney	USGS
Kim	Czapla	CT DEEP	David	Murphy	Milone & MacBroom, Inc
Virginia	de Lima	USGS	Mary	Mushinsky	Connecticut General Assembly
Emily	Deans	UCONN School of Law	Nicholas	Neeley	PURA
Mark	Decker	Norwich Public Utilities	Susan	Negrelli	MDC
Paul	Dellanpa	HD Waterworks	Nancy	Nickerson	Farmington Town Council
Michael	Dietz	UConn NEMO	Michael	O'Neill	UConn Extension
Elizabeth	Dolphin	Town of Farmington	Arthur	O'Neill	Connecticut Water Company
Mary Ann	Dostaler	MAD Communications	Linda	Painter	Town of Mansfield
Timothy	Dupuis	CDM Smith	Richard	Palmer	University of Massachusetts
Eileen	Fielding	Farmington River Watershed Association	Elizabeth	Paterson	Town of Mansfield
Timothy	Fisher	University of Connecticut	Krsten	Petty	Engaged Public
Connne	Fitting	CT DEEP	John	Radacs	None
Peter	Galant	Tighe & Bond	David	Radka	Connecticut Water Company
Mary	Garren	U S EPA New England	Nancy	Nickerson	Farmington Town Council
Brad	Gentry	Yale University	Roger	Reynolds	CT Fund for the Environment
Mary	Glassman	Simsbury	Gary	Robbins	University of Connecticut
Michael	Hage	Dept of Public Health	Guy	Russo	City of Middletown
John	Hampton	Connecticut General Assembly	Denise	Ruzicka	CT Dept of Energy & Environ Protection
Peter	Hearn	Council on Environmental Quality	Amanda	Ryan	Central CT Regional Planning Agency
Lisa	Heavner	Town of Simsbury	Melanie	Savino	University of Connecticut
John	Herlihy	Aquanon Water	Therese	Schnoor	CT DEEP
Alison	Hilding	Council on Environmental Quality	Maxine	Segamick	UCONN School of Law
Jenn	Hoyle	Yale	Jay	Sheehan	Woodard Curran
John	Hudak	Regional Water Authority	Jane	Stahl	Jane K Stahl Environ Consulting LLC
James	Hurd	UConn	Jonathan	Steinberg	CT General Assembly
Robert	Hust	CT Dept of Energy & Environ Protection	Vinnie	Susco	East Hampton Water Treatment Plant
Don	Iannicelli	Woodard Curran	Erc	Thomas	CT DEEP
Traci	Iott	CT DEEP	David	Tine	Hartford Steam Boiler Inspection & Ins Co
Scott	Jellison	The Metropolitan District (MDC)	Mark	Urban	UConn
Ronald	Kargl	Hartford Steam Boiler Inspection & Ins Co	Thomas	Villa	SNEW
Katie	Kennedy	Nature Conservancy, CT River Program	Lori	Vitagliano	So Central CT Regional Water Authority

Connecticut Strategic Water Resources Planning Conference Participant List

Sam	Volet	UConn School of Law
Glenn	Warner	Natural Resources & the Environ, UConn
Robert	Wesneski	Avon Water Company
Maureen	Westbrook	Connecticut Water Company
Betsy	Wingfield	CT DEEP
Bruce	Wittchen	CT OPM
Jack	Wittman	INTERA
Kriss	Wittmann	Wittman Studios
Jeff	Yates	Fairfield County Community Foundation



Farmington River Watershed Association, Inc.
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March 7, 2014

Testimony on Raised Bill 5424, An Act Concerning the Responsibilities of the Water Planning Council

To Sen. Ed Meyer, Rep. Linda Gentile, Chairs; and Members of the Environment Committee,
Thank you for the opportunity to comment on this raised bill.

The Farmington River Watershed Association (FRWA) is a non-profit citizen's group whose mission is to preserve, protect, and restore the Farmington River and its watershed. Our organization is especially interested in this bill because it was in part the lack of state water planning that recently gave rise to a loud public argument over the wisdom of sending water from the Farmington River Watershed to the campus of UConn in Storrs. That controversy highlighted the need to do state water planning now, when we have time to do it well, rather than waiting for urgent water supply problems to arise and force short-sighted remedies.

FRWA is of course in favor of a bill that provides impetus, direction, authority, wide participation, a timeline, and resources for water supply planning. This bill is a welcome step, and kudos are due to those who worked together to draft it. However, it does raise some questions and concerns.

At the Water Planning Summit convened by Rep. Hampton in October, and at the Feb. 3 UConn Water Planning Conference, experts emphasized over and over (and attendees emphatically agreed) that water planning requires adequate, well-integrated data. Accordingly, two of the required elements of the state water plan in Section 1b are to "meet data collection and analysis needs to provide for data driven water planning and permitting decisions" and to "take into account the ecological, environmental and economic impact that implementation of the state water plan will have on the state." This is a tall order.

Gathering and analyzing new data, integrating existing data, and using data for modeling and making predictions all take time and resources, but the bill does not specifically allocate funding to these essential tasks. In Section 8 of the bill, five hundred thousand dollars are allocated to the Office of Policy and Management for developing the plan, and one million to the Department of Public Health for contractual assistance to the Water Utility Coordinating Committees. But much of the relevant data for water supply planning is gathered and held by the Department of Energy and Environmental Protection, as well as other agencies and institutions. Agencies that will have to do the raw data gathering, database searching, or data integration need funding to do so promptly, in order to inform a water plan with an ambitious deadline of January 2017. If planners can't access the information they need to do a good job, what's the point of hastening to spend \$1.5 million on them?

Section 4a describes the elements that a water utility coordinating committee (WUCC) shall incorporate in developing a coordinated water system plan. The 11 elements listed would be best achieved with multi-stakeholder input. The WUCC planning process has been criticized for the relatively small role it

allows towns, Councils of Governments, and environmental groups, among others, in working out a regional water plan. This might be addressed with explicit language in the bill requiring inclusion of additional stakeholders in the WUCC planning process.

But a larger concern with Section 4a is its assumption that the WUCCs will in fact be the entities doing regional water supply plans. There is an ongoing debate among water planning stakeholders about whether WUCCs can fulfill their mandates, given their past track record. There are calls for WUCCs to be re-organized, re-structured, given different boundaries, or even have their functions taken over by other planning entities such as Councils of Governments. In the WUCC plan elements listed in Section 4a, there is little emphasis on a planning process that recognizes water's role in maintaining vital ecosystem services. The main emphasis is on constructed water systems, especially drinking water supply. Given the original purpose and composition of WUCCs, this is understandable, but regional plans (and planners) now must manage water as a resource with broader ecological and public health values, if we are to have a state water plan as described in Section 1b.

WUCCs thus seem to have fundamental organizational and procedural issues to address, yet this bill assigns them a critical role in producing a state water plan on a relatively short timeline. Is it even necessary at this point to specify the WUCCs as the regional water planning units? Instead, the Water Planning Council might be charged with shaping an updated version of WUCCs (or an equivalent) as part of its overall planning task.

Section 6b provides for the Department of Public Health to use licensed water professionals to determine whether an application or submittal to DPH requires further review and approval by DPH staff; if it doesn't, then the licensed water professional can verify that the item was prepared according to DPH standards. The intent of this provision is no doubt to relieve department staff of a burdensome requirement to review every submission, no matter how routine and well-vetted on previous occasions; and to streamline reviews for the submitting entity. This would be a benefit to all concerned. However, the bill as written does not convey (to this reader at least) that the water professional shall be engaged by DPH, and thus be independent of influence from the applicant who is paying for the professional's review. A process should be specified that ensures separation between the paying applicant and the licensed water professional doing the review.

Respectfully submitted,



Eileen Fielding,
Executive Director



Connecticut Council

Testimony for Public Hearing
Environment Committee
March 7, 2014

Alicea Charamut
56 Francis Ave
Newington, CT 06111

H.B. No 5424 (Environment Committee) - An Act Concerning the Responsibilities of the Water Planning Council

Good afternoon Environment Committee members. My name is Alicea Charamut and am here representing the Connecticut Council of Trout Unlimited. Trout Unlimited is a national organization whose mission is to conserve, protect and restore North America's coldwater fisheries and their watersheds. There are 8 chapters in Connecticut with over 3000 members who are passionate about their local waters.

The Connecticut Council of TU is in conditional support of H.B. 5424. First, we are especially pleased to find the additions of establishing conservation guidelines and incentives for consumer conservation and water reuse.

However, the directive to the Water Planning Council to "meet data collection and analysis needs to provide for data driven water planning and permitting decision" is of concern to us. There are severe data collection limitations imposed by FOIA that will not allow the WPC to meet this directive. The bill should be amended to include the data contemplated by this system under FOIA or simultaneously amend FOIA to remove the exemptions for water planning data.

It is also critical that FOIA be amended to allow public access to the data. This will allow more meaningful public participation in the water planning process and create a fair balance between well-informed public interest advocates and the for-profit water industry and water trades.

Thank you for your time and consideration.

Sincerely,

Alicea Charamut
Chair, Water Resources Planning Committee
Connecticut Council of Trout Unlimited

Did Not speak

Testimony on H.B.5424

Submitted by Sally Rieger, 9 Stodmor Road, Simsbury CT 06070

To the Joint Committee on the Environment:

Thank you for holding this public hearing. Thank you to the co-sponsors of this bill, Representative John Hampton, Phillip Miller and Jonathan Steinberg for putting forward H.B.5424 which requires the development of a state water plan. The State needs such a plan to ensure that its residents benefit from a fair, cost-effective and environmentally sound system for the distribution of safe drinking water. Part of the impetus of this renewed effort to establish a state water plan comes from the controversy last year over how UCONN should obtain the additional water it has determined that it needs. That controversy brought to light for people like me who are ordinary citizens the fact no such state-wide plan exists. I am grateful for the renewed effort to create such a plan.

I am not by any means an expert on water policy. I do understand that the issues involved in establishing a state water plan are complex, so I will comment only on those things I think I can reasonably address. In regard to H.B. 5424, I am very glad to see that it requires the Water Planning Council to develop a plan that addresses the "ecological, environmental and economic impact" of the plan rather than just the issues of the quality and quantity of water that could be available from various water sources. That is very important. Ecological, environmental and economic issues are in the long run public health issues even if they don't appear to be in the immediate future.

It is also good that the bill calls for the water plan to include water conservation guidelines and incentives.

One concern I have about this bill stems from my involvement in last year's UCONN water controversy. That experience has made it clear that there will be very powerful economic and political interests involved in developing a state water plan. In the presence of those forces, the best interests of ordinary citizens often face an uphill battle. H.B. 5424 requires that agricultural, recreational, industrial and commercial uses of water bodies be taken into account in the water plan, and it also requires that ecological, environmental and economic impacts of the water plan be considered. How can citizens tell how much weight might be given to any particular factor in decision making and how can one ensure that both the goal and the result of the decision making is the greatest good for the greatest number of people?

As you consider any changes you decide to make in this bill, please give serious attention to the suggestions and concerns raised by people and organizations with the public interest at heart and with deeper knowledge than I on the specifics of how a state water plan should be developed.

Many thanks again to those who have brought H.B 5424 forward and to the Joint Committee on the Environment for the opportunity to speak.

Sincerely,

Sally Rieger



Willimantic River Alliance, Inc.

info@WillimanticRiver.org www.WillimanticRiver.org

P.O. Box 9193, Bolton, CT 06043

March 7, 2014

To: Co-chairs of the Environment Committee, the Honorable Edward Meyer and Linda Gentile

From: Meg Reich, President and Pat Bresnahan, Secretary

Subject: HB 5424, AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

In this testimony, the Willimantic River Alliance (WRA) would like to 1) strongly supports the need for a statewide water supply plan and 2) express our concerns that HB5424 as written may not adequately address this need

1.) **The need for statewide water planning.** Our members have been very involved in planning for a new, additional source of drinking water for UCONN and the Storrs section of the town of Mansfield over the past few years. When we realized that Connecticut had no statewide plan for supplying potable water to places like Storrs, where there are no nearby public water suppliers with sufficient capacity, and that the Water Utility Coordinating Committee (WUCC) for northeastern Connecticut had never been convened, we began to advocate for a better process than currently exists.

The WUCC process, created almost three decades ago, would not have served very well in our circumstances, even if our region's WUCC membership had been convened to help us select a new source of water supply. The geographic region delineated for the Northeast WUCC included only one of the potential identified three surface water supply sources- the Town of Windham's Willimantic Reservoir in Mansfield and Windham. The other two potential water sources studied were outside of the NE WUCC. The Connecticut Water Company's (CWC) Shenipsit Reservoir is in Ellington, Tolland and Vernon and straddles the Upper CT River WUCC in central Connecticut and the NE WUCC; the Metropolitan District Commission's (MDC) Barkhamsted and Nepaug Reservoirs in the Farmington River watershed basin, lie within the Northwest Hills WUCC.

In order to include these three potential water sources and affected communities, all three WUCC's across the entire northern tier of the state, would have had to be involved. More than 75 cities and towns would have needed to participate in a two year long WUCC process.

Yet, the NE and NW Hills WUCC's are "future" committees which have never been activated. The Upper CT River WUCC has been "completed" and a plan was prepared, but never approved. The only WUCC with a completed process and approved plan is the Southeast WUCC.

The existing WUCC geographic regions and process would not have worked very well to find a new source of additional drinking water for the State's flagship university and surrounding town. The process that was used, with the town of Mansfield and the University of Connecticut undertaking separate planning processes, for their separate but overlapping needs, and then joining together in preparing an Environmental Impact Evaluation to study common options, was not an appropriate means to an end, either. Farmington River and Hockanum River communities only became aware of the project in Storrs because of the media. Scoping meetings and public hearings did not lend themselves to the wide geographic impacts of this project. It was a project that had potential impacts for the entire northern half of the state

This is why the Willimantic River Alliance thinks that a new statewide water supply plan and process is needed

2) **Concerns about HB5424.** We concur with the views and testimony of the Rivers Alliance of Connecticut with respect to HB 5424. We would, however, like to emphasize the need for more clarity in the proposed legislation with respect to the scope and governance issues related to water planning. In particular, the legislation should

- Clarify the authority of a statewide water supply plan as it would relate to the State Plan of Conservation and Development and to individual water supply plans.
- Explicitly acknowledge that both surface and ground water resources are subject to water planning
- More clearly identify the specific objectives of the plan, and its contents
- Direct the Water Planning Council to develop a planning process that follows the principles of the Water Allocation Policy and Planning Model developed by the WPC subcommittees in 2002 and subsequently endorsed by the legislature.
- Explicitly direct that this planning process should be conducted in conjunction with regional stakeholder groups and that these groups be given the authority to act as full members of a decision making body with respect to the use of the water resources in their region. The participation of stakeholders should go beyond merely submitting comments.

We would like to thank Rep. John Hampton and the members of his water planning subcommittees for maintaining the statewide momentum on such an important statewide issue.

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Testimony to the Environment Committee

March 7, 2014

**HB 5424 - AN ACT CONCERNING THE RESPONSIBILITIES OF THE
WATER PLANNING COUNCIL**

The South Central Connecticut Regional Water Authority (RWA) is a non-profit, public corporation and political subdivision of the state. Our mission is to provide high quality water at a reasonable cost while promoting the preservation of watershed land and aquifers. We serve some 430,000 customers in the region. The source of this water is a system of watershed and aquifer areas that cover about 120 square miles within 24 municipalities. Much of our 27,000 acres of land is managed for watershed protection, timber resource conservation, wildlife habitat, open space, education, and research.

The South Central Connecticut Regional Water Authority, (RWA), appreciates the opportunity to provide comments to the Environment Committee **in support of the intent of Raised House Bill 5424 - AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.**

We commend the Environment Committee for taking on this very important topic and further promoting a plan for this vital resource. Overall, a state water plan is essential to meet the needs of the state to protect public health and the environment, to ensure safety and promote economic development.

Completion of the Water Utility Coordinating Committee (WUCC) process is a significant step and approval of their respective plans should be a priority. The WUCC regional water supply plans would provide a foundational piece for a state water plan by defining areas of public water supply needs and available solutions through cooperation and coordination between public water systems. We urge that the completion of these regional plans be expedited as a first step to ensure that the information gained can be integrated into the state water plan as specified in the Act. To clarify this intent, the language in Section 1 (a) (5) should read "regional" water utility coordinating committee plans rather than "individual" water utility coordinating committee plans.

Section 1(b) of the Act which lists the requirements for the state water plan should be modified to identify the protection of the quality, quantity, and availability of public water supplies to meet present and future needs as a specific objective of the plan.

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A plan to restrict non-emergency use of water should include all stakeholders. Therefore, in Section 7 (c) (1), “**public water supplier or suppliers in the region**” should be included on the list of entities convened to develop a response plan to restrict non-emergency use of water when the Governor declares a drought emergency. Additionally, the bill should include language that facilitates interconnections to promote a flexible supply of water and where applicable support economic development efforts.

Your commitment to this very important issue is greatly appreciated. Thank you for considering the South Central Connecticut Regional Water Authority’s comments. If you have additional questions please contact, Lori Vitagliano, RWA Government Relations Specialist at 203-401-2720 or lvitagliano@rwater.com