



**TESTIMONY**  
**CONNECTICUT WATER WORKS ASSOCIATION, INC.**  
**BEFORE THE PUBLIC HEALTH COMMITTEE**  
**MARCH 12, 2008**

**RE: HB-5903, AN ACT CONCERNING DRINKING WATER**

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. CWWA is committed to working with the state to develop policies that will ensure that Connecticut has a safe, ample supply of water to meet present and future needs.

The study called for under HB-5903 requires state Department of Public Health (DPH) to study restrictions pertaining to the sale, lease, assignment or change in use of class I and class II lands, and to recommend changes to such restrictions that will promote *improved access to potable drinking water* or *enhanced recreational water use in the state*. It is unclear what is intended by “improved access to potable drinking water” or “enhanced recreational water use” as they pertain to Class I and Class II lands.

However, we would caution that water companies must have the ability to implement source water protection measures to safeguard the purity and adequacy of our public water supplies. Since 9/11, water companies have been required under federal law to conduct vulnerability assessments and implement measures to protect public water supplies from potential contamination from terrorist attacks or other criminal behavior. To protect source waters and safeguard supplies from criminal behavior, many water companies have restricted access to reservoirs and watershed lands for certain recreational uses. We would oppose any efforts that would jeopardize the ability of water companies to control access to or activities on Class I and Class II watershed lands.

We have attached a brief summary that outlines the current law relative to Class I and Class II lands, which are watershed lands owned by public water supply companies that are already highly regulated.

In addition to protection for Class I and Class II lands, there are laws which have provided incentives to water companies and other entities to protect and preserve watershed lands. We encourage the committee to continue to support reasonable legislation that will further protect the state’s watershed lands and would be pleased to participate in any such efforts. If you decide to move forward with a study of these issues, we would ask that water companies be included among the stakeholders participating in the study. As water utilities vary in size, ownership, and policies regarding lands and recreation, we would suggest that a number of water companies be included to represent the spectrum of approaches.

## SUMMARY OF CURRENT RESTRICTIONS ON WATER COMPANY LANDS

Under Section 25-37c of the CGS, water companies cannot lease or assign Class I lands and such lands can only be sold to the state, a municipality, or another water company. The buyer must agree to maintain the land subject to the restrictions in the law and those imposed by a permit authorized by the state Department of Public Health. The company can change the land's use only if it demonstrates that the change (1) will not harm the purity and adequacy of water supply, now or in the future and (2) is consistent with a DPH approved water supply plan filed by the company.

Similarly, DPH can grant a permit for a transaction involving Class II lands or a change of its use, if the company demonstrates that its proposal will not significantly harm the purity and adequacy of the water supply and that any use restriction DPH imposes can be enforced against subsequent owners, lessees. In the case of the sale, lease or transfer of land, DPH can grant a permit only if use restrictions will prevent the Class II land from being developed. When a transaction is with another water company, municipality or a land conservation organization, DPH can grant a permit only if there is a permanent conservation easement on the land, which preserves the land in perpetuity, with most of the land remaining in its natural condition.

In addition, the law prohibits water companies from abandoning a water supply unless the Commissioner of Public Health approves and determines in concurrence with the state Departments of Environmental Protection and Public Utility and the Office of Policy and Management, that the water is not needed now, in the future, or in the case of an emergency. (Section 25-33k, C.G.S.) The proposed abandonment must also be identified in an approved water supply plan that addresses the utility's needs and supplies for 50 years before an abandonment is approved. Towns, the Nature Conservancy, the Trust for Public Lands and land trusts must be notified of any source abandonment, forecasted land sale or land reclassification contained in a water supply plan. These organizations, as well as the general public, have the opportunity to comment on the proposed abandonment and the DPH Commissioner must consider these comments when approving the plan. (Section 25-32d, C.G.S.)