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TESTIMONY FOR THE COMMITTEE ON PUBLIC HEALTH

PUBLIC HEARING, March 12, 2008

RB 5900, AAC WATERSHED LANDS, and RB 5903, AAC DRINKING WATER

Dear Chairmen Handley and Sayers, and Members of the Committee:

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

Thank you for addressing the issue of protection of drinking water in Connecticut. We are the only state that forbids using treated wastewater for drinking water. If we want to hold to this high standard, we absolutely must protect existing and potential sources of high-quality, drinkable water. Already many of our communities regularly run low on water supply. (These communities include the town of Litchfield, where we have our office.)

We applaud the provisions in Bill 5900 that mandate and authorize the Department of Public Health (DPH) to take a more active role in local proceedings regulating activities in privately owned lands that drain into drinking water sources. However, due to confusions in terminology (briefly described below), the meaning of certain sections of this bill is ambiguous

Acts 5900 and 5903 both call upon DPH to take action on its policies with respect to the sale of class I and class II lands. Bill 5903 calls for a report with recommendations regarding "sale, use, assignment or change in use." Bill 5900 *requires* DPH to "revise the department's procedures for the review of applications concerning the sale or development of water company land."

For thirty years, protection of Class I and II land has been the cornerstone of Connecticut's high drinking water standard. Lately, we have seen variety of pressures on the state to lower those protections on Class I and Class II, and shrink local protections on privately owned lands that drain into drinking water sources. Therefore, in order to hold the line pending implementation of recommendations from DPH, we propose adding the following wording to both bills.

"Until the time that the Department has implemented recommendations and revisions of its policies or procedures regarding sale or use of Class I or Class II lands, no use is to be allowed on Class I land that would not be permitted on Class II land, and neither Class I nor Class II land shall be used for commercial mining of earth materials." We refer to mining not only because there is a specific mining proposal pending, but because mining is especially disruptive of hydrology. You recall that when Moses smote the rock, water gushed out. Imagine if he'd had dynamite.

There is already confusion in existing law regarding the meaning of the terms "watershed lands," "drinking-water watershed lands," "public water sources," and so on. Generally the confusion relates to when well fields are included in the reference and whether "drinking water" includes formally or even informally identified future drinking water. **The Council on Environmental Quality (CEQ) has agreed to look at this issue.** We ask the Committee please to be mindful of this problem. The words are important to many stakeholders (including agencies, water companies, and environmental and health groups.)

Briefly, all lands are "watershed lands." "Drinking-water watershed lands" appear in some contexts to include well fields and in others not to. However, this term usually does cover both water-company owned lands and privately owned lands. "Water company lands" include Class III. So a watershed to water-company lands could include a watershed to a Class III area, where there is no water source. There are numerous other variations, often incorporating "public drinking water source."

I believe that in 5900, some of the language meant to apply to privately owned land in drinking-water watersheds actually applies to water-company owned lands only.

Connecticut's relative wealth of high-quality water is arguably our most important natural resource in terms of the state's health and economic wellbeing. Marketplace on National Public Radio recently reported the value of good water in the U.S. to be rising at the rate of 5.5 percent annually (which I believe is low). Connecticut's future increase in supply is most likely to come from aquifer sources. So I beg the Committee to give equal attention to protection of wellfields and high-quality aquifers as to reservoirs.

Thank you for your attention to the extremely important issue of protecting all residents from the threat of loss of drinkable water.

Sincerely,

Margaret Miner, Executive Director