



**Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Commerce Committee
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SUPPORT – SB-1020, AN ACT CONCERNING WATER RESOURCES & ECONOMIC DEVELOPMENT

The Connecticut Water Works Association, a trade association of municipal, private and regional water companies, **strongly supports SB-1020** which will help ensure that the state will take a more balanced, measured approach to regulating stream flow in this state.

Public Act 05-142 directed the state Department of Environmental Protection (DEP) to work with stakeholders to draft stream flow regulations to protect the state's aquatic life *while providing for the needs of public health, safety, economic development, agriculture, recreation and flood control*. Unfortunately, the proposed regulations, which have been rejected by the legislature's Regulations Review Committee on two occasions, fail to achieve the balance called for in Public Act 05-142, which this legislation seeks to amend.

At present, we have agreed to participate in facilitated discussions with DEP and other stakeholders to try to resolve outstanding concerns relative to the impact of the stream flow regulations on public health, safety, and economic development. While we are hopeful that the facilitated discussions will result in consensus on a more balanced way to regulate stream flow, DEP has indicated that it intends to pursue a phased approach to regulating stream flow and will be guided by the existing public act in moving forward with additional regulations in this area. We therefore believe it is critical that we amend the enabling act to provide parameters which would ensure that stream flow regulations achieve the balance sought by the legislature - to regulate stream flow in a way that will not jeopardize public health, safety, economic development and agriculture in this state.

As currently drafted, the regulations impose strict requirements on public water suppliers and other dam owners to periodically release water from reservoirs into streams. While we are supportive of the goal of releasing water from reservoirs into the streams, as drafted, the required releases may leave some communities with inadequate water supplies to support new construction, brownfields remediation, business expansion and other economic development.

Although water companies could pursue the development of new sources of water supplies, such as reservoirs, wells or interconnections with other systems, the process of obtaining approval from various municipal, state and federal entities and the cost of developing such new sources could take several years and may not be technically feasible or fiscally prudent. Under these circumstances, water companies may request an extension from DEP under the proposed regulations but in order to qualify for an extension the company would have to submit a plan to limit service growth— which is a de facto moratorium on new construction and business expansion. Under moratoriums historically imposed on communities with water supply issues, local economies have stagnated, preventing new business growth and negatively impacting existing businesses in the area.

In addition, the regulations are an overreaching and costly solution to what appears to be a very limited problem. It is our understanding that less than 1% of all the river and stream miles in Connecticut have documented low flow impairments. Yet the regulations require significant water releases into every river and stream in Connecticut. Given the state's fiscal crisis and concerns that DEP has indicated that it does not have sufficient resources to perform one of its core functions – the processing of environmental permits – we urge your support for legislation which:

- Minimizes the uncertainty regarding the impact of the proposed regulations by requiring DEP as part of its basin screening process to establish priorities for compliance based on a consideration of the potential impacts of compliance on brownfields remediation, economic development, water rates, adequacy of public water supplies to meet public health and safety needs of the communities served, the water company's ability to maintain an adequate margin of safety, and the anticipated environmental benefits of providing the releases.
- Stipulates that streams required for public water supply sources and areas of significance for economic development would be classified in a manner that is consistent with continued use for water supply and for economic development needs.
- Requires stream flow regulations to be developed in concurrence with the state Departments of Economic and Community Development, Public Health, and Agriculture to ensure that the regulations appropriately balance all water uses;
- Clarifies that stream flow regulations shall not jeopardize the safe yield/margin of safety of public water supplies to ensure that communities have sufficient water supplies to sustain economic development and brownfields remediation as well as meet the public health, safety and agricultural needs of the state;
- Exempts the state's agricultural industry from compliance with stream flow regulations;
- Provides clear exemptions where compliance is not technically feasible or fiscally prudent and where compliance will result in insufficient water supplies;
- Requires the state Department of Public Utility Control to identify mechanisms to address concerns regarding costs associated with compliance with stream flow regulations.

By adopting the balanced approach to regulating stream flow outlined in SB-1020, Connecticut will be a leader in enacting one of the strongest policies in the country to protect its rivers and streams. We ask for the Committee's support of this important legislation so that the process of stream flow regulation can move forward in a way that best protects the interests of all the stakeholders and the state.

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.