

TESTIMONY
FOR THE ENVIRONMENT COMMITTEE
PUBLIC HEARING
March 7, 2011

To Chairmen Ed Meyer, Richard Roy, 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 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.

HB 6263 AAC The Transition from the Ten Mill Program

Rivers Alliance supports this bill and the testimony of Connecticut Forest & Park Association. Forested land is the most important natural purifier of water. The state should encourage its preservation by allowing transfer of tax reductions from the old ten mill program to the current 490 program without penalty.

HB 66503 AAC Conservation District Funding

This bill aims to reinstate dedicated revenue for the Conservation Districts. Rivers Alliance supports ample and stable funding for the districts. Their expert advice to towns provides consistency in stormwater management and wetlands permitting. They potentially could play a key role in regional integration of conservation policies and practices relating to soil and water. Their important contributions are sometimes not understood, and their funding repeatedly has been threatened.

HB 6505 AAC Stream Flow Regulations

This bill clarifies that PA 05-142 was intended to provide the state's rivers and streams protection from excessive withdrawals whether by damming, pumping, siphoning, or other means. Rivers Alliance believes this clarification is not legally necessary given the language of the Act. Moreover groundwater regulation has been

included in all drafts of the regulation until December 2010. However, we accept that some legislators may not have realized when they voted in favor of 05-142 (unanimously) that drying up a stream by groundwater pumping would be regulated under the Act.

Across the state, excessive pumping is impairing streams today and shrinking the supply of water for the future. Looking forward, groundwater is the source that will be most intensely developed. It is not usually efficient or economical to create new reservoirs. The most famous pumping incident was the dessication and fish kill in the Fenton River at UConn in 2005. But every year, we have lethal low flows due to pumping, siphoning, etc., in dozens of streams across the state. One of the most publicized groundwater controversies in 2010 was the proposal by United Water to increase pumping from its well fields in Newtown's sole source aquifer in order to send water out of basin to Brookfield. This appeared to be a legal withdrawal, not requiring a permit (according to the DEP), even though the US Geological Study demonstrated that the pumping would decrease flows in the Pootatuck River.

The chairmen of the Regulation Review Committee in 2010 (Sen. Joan Hartley and Rep. T.R. Rowe) told all stakeholders that groundwater should be removed from the streamflow regulation that had been presented to the committee. But they supported it being presented in new legislation. This is that new legislation. It does not change any language relating to process or criteria for writing the flow regulation. It simply says that groundwater is included. At this time, it appears that the state is moving toward passage of the regulation in phases, the first addressing dams on supply reservoirs. We anticipate that groundwater rules will be developed subsequently as the second of the steps required by the Act.

HB 5518 AAC Establishing a Statewide Water Use Plan

This is the Holy Grail of water management policy in Connecticut. The quest has always been abandoned for lack of funding. Instead the state has worked on pieces of such a plan, perhaps most importantly legislation requiring development and filing of water supply plans (under the jurisdiction of the Department of Public Health), legislation limiting new diversions (Water Diversion Policy Act, 1982) and legislation protecting streamflows (updated in 2005). Legislative committees, agencies, industry, and environmental nonprofits have produced numerous recommendations on how to move forward with an overarching statewide water management plan. We would be glad to work on this; in fact, we have been doing so for more than ten years, and the streamflow regulation is one result. More rationalization and integration of water management would certainly be helpful.

SB 205 AAC Requiring Certain Thermostat Manufacturers to Pay Incentives for the Return of Mercury Thermostats

The principle that manufacturer and distributors should be responsible for taking back waste associated with their products is becoming more widely accepted. (In Connecticut, we have been looking at beverage bottles, paint cans, retail bags, and so forth.) Rivers Alliance is especially concerned that mercury be handled safely. *All* rivers in our state fail the federal Clean Water Act standard for fishable and swimmable waters, because fish from *all* tested streams have mercury in their bodies (and often PCBs). We invest in fisheries and then we have to invest in fish advisories telling people to be careful eating the fish that we nurture and that they catch because mercury is a deadly toxin. It is also a valuable metal, so it ought to be profitable to recycle. I hope this bill helps. I do not know if \$5 is too or high or too low or just right as a reward for returning the old thermostats.

SB 227 AAC Concerning Remediation Standards under a Consent Order

Possibly this bill is intended to address a specific misuse of authority, and superficially it sounds fair. But there are massively contaminated sites in this state, with groundwater plumes going all over the place. Cleanup can be delayed for decades for a range of reasons. In that time, the state's knowledge of what is on site and what the health risks are can change. So I ask the committee to exercise caution on this proposed legislation.

SB 204 AA Exempting the White Memorial Foundation from Certain DEP Requirements

White Memorial has taken many good steps and precautions at considerable expense to manage the wastewater on its property prudently. The executive director, Keith Cudworth, has given Rivers Alliance generous time explaining the unique wastewater challenges at the Foundation and their approach to solving them. But we do not support this bill as written. It would apply to any conservation organization owning more than 3,000 acres. This would include a fair number of organizations, with various facilities on their properties, such as farms and educational centers. Just quickly checking two land trusts in and near my own town, Weantinoge Heritage Trust conserves more than 9,000 acres (it may be the state's largest land trust) and the little Roxbury Land Trust conserves more than 3,500 acres. Granted, some of the conserved land is in easements, not owned outright, this gives an idea of who might be covered. A much better approach, I believe, would be to look at the agreement that White Memorial has with the local health district and to use that as the basis for a more limited exemption. The laws governing subsurface sewage disposal are

complicated. I believe this bill raises more questions than necessary and probably creates unintended loopholes.

SB 1117 AAC Pharmaceutical and Prescription Drug Waste