



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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Business*

March 7, 2011

To: Senator Ed Meyer and Representative Richard Roy, Co-Chairs, and members of the Environment Committee

From: Bill Ethier, Chief Executive Officer

Re: HB 6505, AAC Stream Flow Regulations

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly oppose HB 6505 as a huge expansion to DEP's existing authority to regulate stream flows, creating an even greater chasm between reasonably balanced environmental policy and unfounded extremism on the other.

Rather than support HB 6505, we urge your support of SB 1020 in the Commerce Committee as creating the balanced environmental policy CT desperately needs. **The SB 1020 approach, despite some claims to the contrary you no doubt have heard from some advocates, authorizes the protection of stream flows that are necessary to protect fish and other aquatic life. We opposed DEP's stream flow regulations because the proposal over-regulated the economy and did not focus on the problem of flow-impaired waterways.** As you know, the Regulations Review Committee twice rejected DEP's proposed regulations based, in part, because it was the legislature's intent to not include groundwater within the scope of this authority. Including groundwater now, as proposed in HB 6505, greatly adds to the breadth and complexity of any regulations DEP would then pursue – again, without focusing on the problem.

Our objection to the DEP's efforts was the high potential for locally imposed housing and economic development moratoriums or higher water use fees due to water use restrictions required by the proposed regulations. Adding groundwater to DEP's authority increases this moratorium and fee increase potential. **Maintaining sufficient stream flows in our waterways to protect the state's fisheries and other aquatic life is a laudable goal. But, the regulations must be balanced in a way that does not undermine the public's health, safety and economic growth.** With less than 1% of Connecticut's 5,000 plus miles of waterways experiencing flow impairments, DEP's regulations impacting 100% of all waterways are unjustified. DEP must focus on the less than 1% problem and not use its statutory authority to impose restrictions statewide. Adding groundwater withdrawal restrictions to DEP's authority moves away from the balanced approach proposed in SB 1020. A logical,

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balanced, focused path to fix the problem is necessary and SB 1020 gives DEP that direction.

Unfortunately, the existing language of the law (see lines 18-20 of HB 6505, LCO 4086) stating, "Such flow regulations shall (1) Apply to all river and stream systems within this state ...," already gives DEP, in its mind, carte blanche authority to regulate everything to the same degree, i.e., without a focus on the problem. Adding groundwater does not give DEP any direction on solving the less than 1% of streams that are flow impaired. Incredibly, this proposal just gives DEP more authority to regulate more of our economy and jeopardize our health and safety in order to protect, what? Again, over 99% of our waterways are not flow impaired.

Regulations to protect stream flows need to be focused on the problem, measured carefully to address just the problem, prioritized with other concerns such as the availability of water for the public and our economic growth, and reasonable to afford landowners, water companies, municipalities and the public with the certainty we all need. SB 1020 gets us closer to that goal; HB 6505 moves us closer toward the death of economic recovery in CT.

Therefore, please oppose HB 6505 and support SB 1020 when, and if, it comes before you. Thank you for the opportunity to comment on this legislation.