



**Testimony of Connecticut Fund for the Environment
Before the Public Health Committee**

Submitted by Jessica Morowitz, Legal Fellow
March 7, 2012

Regarding:

**H.B. 5334, AN ACT CONCERNING THE SALE OR ABANDONMENT OF WATER
SUPPLY SOURCES AND ASSOCIATED LAND**

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

CFE supports H.B. 5334, An Act Concerning the Sale or Abandonment of Water Supply Sources and Associated Land, in so much as the bill seeks to link watershed land to the water supply source and address both issues at once in the face of an application to sell or abandon a water supply source or potential water supply source. CFE also understands the desire to streamline the review and processing of these applications, because there is overlap in the Department's review of applications to abandon or sell a water supply source or potential water supply source.

The link between watershed land and the water supply source is critical, especially in Connecticut which draws its water from a web of groundwater and surface water sources. What happens on watershed lands, particularly development, can have a direct impact on drinking water quality. Therefore, it makes sense to address the lands associated with a water supply source whenever considering transactions related to the source itself. It is important to point out that there is a typographical error in the bill with regard to this process, however. The bill currently reads in section (e)(1)(A) lines 241-2 "...in accordance with section 25-32f" but it should reference section 25-32, as that is the appropriate section that deals with water company lands.

CFE is concerned, however, that by combining these processes the standards for abandoning a water supply or potential water supply may be inadvertently weakened as a result. It is very important that the standards for a permit to abandon a water supply remain as stringent as they are under current law. Once a water supply source or potential source has been abandoned, the land associated with that source does not have the same use restrictions, and can be used for development. Such development could compromise the ability of that source to be viable in the future, so it is critical that the decision to abandon a source be carefully considered

and reviewed. Therefore, it is important to ensure that the strict standards for abandonment remain in place.

It is our understanding that it is not the intent of this bill to weaken current statutory standards, but rather to simply streamline the review process and link the land to the source. CFE supports the Department in these efforts; however, if there is no intent to weaken the standards, the bill language should be clarified so that the stringent standard for abandonment remains. As a result of combining the two processes, the way the bill is written creates confusion when it comes to what standard applies to review of a permit to abandon versus a permit to sell a water supply source or potential water supply source. Again, CFE wants to be sure that the current law regarding abandonment of a water supply source is not weakened through this process.

CFE thanks the Committee for its attention to this matter.