



**FOR THE ENVIRONMENT COMMITTEE
PUBLIC HEARING TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT**

MARCH 15 2013

To the Chairmen, Sen. Ed Meyer and Rep. Linda Gentile, 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 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents

Thank you for the opportunity to comment on bills before you today. I will address them in their order on the agenda.

HB 5480 AA REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT RESEARCH FARM. Support.

The agricultural research at UConn is an important benefit to the state. The proposed bill would require a review of safety precautions relating to UConn's use of pesticides at its research farm on Rte 195, south of the main campus in Storrs. The review would cover storage, application protocols, and water testing. The assessment is to be done by DEEP and DPH, who will report findings and recommendations to the CGA. This kind of safety review is important to do periodically when toxic substances are involved. It is especially timely when the effects of pesticides on health and the environment are being scrutinized statewide.

A few notes. Pesticides can travel through air and water. They can blow from one property to another. They can travel in water from one property to another. They can be carried on clothing, on vehicles, and by animals. Storage of hazardous waste materials has been a problem at the university, with the main collection area still being the converted coy dog kennel in the Fenton River watershed.

As described in the 2012 OLR Report *UCONN RESEARCH FARM* by J. L. Kaminski Leduc, the pesticides being tested at the UConn farm include over-the-counter products; restricted products theoretically available only to licensed persons (but definitely available through the internet and probably other sources); and 26 secret proprietary formulas. In 2011, more than 100 applications were made, primarily in spring and summer of herbicides, fungicides, and insecticides. The brand names are largely familiar, with many brands having different formulas. Conversely, the same chemical can be sold under different names. For example, the

insecticides Imidipro and Merit both rely on imidacloprid (the suspected agent in the die-off of honey bees).

The brands studied in 2011 in Connecticut include Malathion, Surfian AS, Crossbow, Razor Pro, Roundup, Triplet, Merit, Tenacity, Milstop, Oxidate, Actinovate, Serenade Max, Dimension 2EW, Strategy, Sandea, Impact, Pristine, Qunitac, Ridomil Bravo, Sevin SL, Curalan EG, Tempo GC, Dithlopyr 40 WSB, Imidipro, Lesco 3-Way, and Heritage. The names are brilliant.

The research appears to be weighted toward turf grass. Of the approximately 34 research projects in 2011-2012, more than a dozen relate to turf. Of these studies, one focuses on organic turf management.

Many of the chemicals are applied in small amounts in relatively small areas (less than an acre). Nevertheless, year after year, the farm is the site of extensive applications of dangerous substances. A safety review of handling of the materials and packaging, from arrival to disposal, including unaccounted losses, is warranted in order to protect and reassure the public.

HB 6537, *AAC WATER QUALITY AND THE UNIVERSITY OF CONNECTICUT*. Support.

Rivers Alliance has a long history with this bill and the problem it addresses. Rivers Alliance files on efforts by the state and local communities to bring about prudent water management on the UConn campus go back to 1996. (We were founded in 1992). In 2000, in the midst of battles between environmental advocates and the UConn administration, AG Richard Blumenthal issued a formal opinion that UConn and other state water suppliers are not legally water companies. Numerous UConn development projects were not in compliance with the rules applying to protection of drinking-water watershed lands (Class I and II lands). UConn insisted it was not a water company, and the AG agreed, although he expressed interest in a requirement that UConn honor the spirit of water company laws. The reason for the ruling was that the statute defining water companies did not mention the state in the enumeration of the entities that are water companies (The relevant documents are available from the Council on Environmental Quality, from Rivers Alliance, and elsewhere.)

The ruling meant that, since UConn was not a water company, it did not have any legal obligation to comply with the mandates for protecting drinking-water watersheds. (By the statutory definition, such lands must belong to a water company. Similar land in a public drinking-water watershed, but *not* owned by a water company, is sometimes called “Class I-like land” or “Class II-like land.” If owned by a water company, the land would be almost totally unavailable for new development or substantial changes of use.) Much of the UConn campus is Class I- and Class I-like land.

Rivers Alliance supports the intention of this bill to identify UConn in Storrs as a water company and to require it to follow the rules for water companies. We recognize complexities, especially with regard to land-use issues. We also recognize that UConn has voluntarily submitted water supply plans to the Department of Public Health. It has mapped its aquifer protection areas. It has an agreement with the state to avoid drying up the Fenton River as it did in 2005.

In many ways, UConn behaves like any large water company. It delivers water not only for uses on campus but also off-campus; and it sells water. It even somewhat voluntarily protects its drinking-water watershed lands. But it is less regulated than any similar supplier.

It is not in the public interest for such a large water controller and supplier to be operating outside the laws that apply to all regional, municipal, and private water utilities. The situation has enabled UConn to avoid reconciling its ambition to grow with its relationship to the landscape, natural resources, and neighboring communities. The university's estimates of what its water needs are and will be vary widely, sometimes almost week to week. The approach is "If we build it, water will be found. We come first."

This bill also illuminates the chaotic condition of water planning in Connecticut. The confusion in Storrs Mansfield extends to most other parts of the state. Despite having a Water Planning Council, and Water Utility Coordinating Committees (in some places), we have no water budget (inventory of all water resources), no analysis of how much water is usable for what, and no means of designing a fair allocation of water to serve the public and the environment.

The reform of UConn's water planning should be linked to development of a water management and stewardship process that works for the region and for Connecticut.

HB 6542, AAC THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. Support.

The open space and farmland at the Southbury Training School is correctly regarded in the town and neighboring communities as vital protection for natural resources and local farming. Some leaders in the community, including Rep. Art O'Neill, have been working on its conservation for years. The late Marc Taylor, M.D., who headed national environmental efforts, always made time to work on saving this open space. You have a chance here to treat state land with wisdom and respect. Please take this opportunity.

HB 6536, AAC GENERAL PERMITS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION. Support.

Enforcement of general permits is feeble. I would prefer a more expansive cure, but enforcement must occur occasionally for the permit conditions to have any credibility. Given the shrunken resources of DEEP, this means raising some money for the work.

HB 1019, AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Stream channel encroachment: It is good that this bill retains the important option for the Commissioner to exercise authority when warranted.

Public notice for tentative permit determinations. The proposed new method is inadequate. Postings on the DEEP website will not reach most members of the general public. Already, people overlook the small newspaper announcements. I recommend communicating notices electronically with town clerks and town commissions so that announcements can be posted on town bulletin boards and handed out at commission meetings. The handouts should include information on how to subscribe to DEEP email alerts and how to go to the dedicated web page.

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