



**TESTIMONY  
ELIZABETH GARA  
EXECUTIVE DIRECTOR  
CONNECTICUT WATER WORKS ASSOCIATION  
BEFORE THE ENVIRONMENT COMMITTEE  
MARCH 7, 2014**

**RE: HB-5424, An Act Concerning the Responsibilities of the Water Planning Council**

The Connecticut Water Works Association (CWWA), which represents, municipal, private and regional water companies, *supports the intent of HB-5424*, which directs the legislatively created Water Planning Council to develop a state water plan.

Developing a state water plan is a critical step in ensuring that Connecticut has sufficient public water supplies to meet the state's current and future public health, safety and economic development needs while providing for other water resource needs including waste assimilation, agriculture, recreation, fisheries, and other environmental needs. CWWA's Board of Directors and Legislative Committee reviewed and discussed the proposal and identified the following recommendations to strengthen the bill, for your consideration:

**Water Utility Coordinating Committee Process**

One of the first steps in moving forward with the development of a state water plan should be the completion of the Water Utility Coordinating Committee (WUCC) process and approval of their respective plans. Building on the WUCC process to provide for coordinated water supply planning will provide important data necessary to the development of a state water plan. As such, we believe that the timeframe for completing the plan should be adjusted to logically account for completion of the WUCC process. Accordingly, we recommend that Section 1 line 6 of the bill be amended to provide that "Not later than two years after the completion of the WUCC plans, the Water Planning Council, shall prepare a state water plan..."

*Note: This view is supported by water utilities as evident by the attached letter of support to Commissioner Mullen from CEOs of the four major water utilities.*

**Data Collection**

In addition to completing and approving the WUCC plans, data collection must be a priority. Any state plan must be developed, based on objective data and proven scientific methodologies, to ensure that laws and policies affecting water allocation are balanced and do not undermine the availability of public water supplies needed to meet the needs of residents and businesses, now and in the future.

Section 1 (a) of the bill delineates the activities that should be undertaken by the Water Planning Council in developing the state plan. Given the importance of basing the plan on objective data and proven scientific methodologies, we recommend that the list of activities specifically include “the development of a data collection framework and identification of appropriate scientific methodologies”. Moreover, a portion of the funding available to the Water Planning Council should be set aside for such data collection.

### **Deadline for Completion of the Plan**

CWWA is concerned that the bill specifies a date certain for completion of the plan (January 2017) without first more clearly defining what the plan shall include or having the data available that may be necessary to prepare the plan. While we recognize the importance of having a schedule and holding the agencies accountable for timely completion of the plan, we think a necessary first step may be to require that the Water Planning Council and its advisory group collectively identify and report to the legislature by next session the specific goals, timeline, data needs, and budget for the development of a statewide water plan. This is consistent with prior recommendations of the Program Review report and the discussions at the recent Water Forum hosted by the University of Connecticut which recognized the difficulty in capturing all of the elements of what should be included in a state water plan.

### **Scope of the State Water Plan**

CWWA would also like to emphasize that the state water plan should be designed as a planning tool to guide discussions about water resources management and not a mechanism for determining how water should be allocated. It is unclear, under the bill, how the plan is intended to be used and this should be clarified. Particularly since the bill directs the Water Planning Council to oversee the implementation of the plan, it should be clearly established from the onset the scope of the plan and how the information will be used.

CWWA has long maintained that a statewide water use plan is critical to ensuring that policies affecting water allocation, such as the state’s stream flow regulations, are based on objective data and proven methodologies to ensure that such policies are balanced and protect the availability of water supplies to meet the state’s public health, safety and economic development needs. Once a state water plan has been developed, we should revisit policies affecting water management and allocation to ensure that they are consistent with the state water plan.

### **Components of a State Water Plan**

Section 1(b) of the bill outlines the components of the plan. While it has a number of important elements, CWWA is very concerned that this comprehensive list fails to include a specific reference to the need to protect the availability of public water supplies to meet the state’s present and future public health, safety and economic development needs. Language should be added in Section 1(b) to explicitly require the plan to consider the quantity, quality and availability of water for public water supply needs.

### **Approval of a State Water Plan**

CWWA further recommends that the bill be amended to incorporate a recommendation of the legislature’s Program Review & Investigations Committee in its report of December 2003. The non-partisan committee recommended that a state water plan be

approved by a unanimous vote of the Council, which is comprised of representatives of DEEP, the state Department of Public Health, the state Public Utilities Regulatory Authority and the Office of Policy and Management This recommendation recognizes that no one agency should be in a position to exert undue influence over the outcome of a long-range plan. (*Legislative Program Review & Investigations, Streamflow Study, December 2003*).

To that end, we believe Section 8 should also be clarified to provide that the funding is appropriated to OPM, “for administrative purposes only.” Again, we agree with the Program Review committee finding that no one agency should be in a position to exert undue influence.

### **Stakeholder Process**

Although Section 1 of the bill directs the Water Planning Council to seek the involvement of interested parties and the input of the WPC Advisory Group, we would like to emphasize that in order to achieve these goals, we recommend that the WPC adopt a collaborative model which recognizes that state agencies and stakeholders must work together to develop balanced policies.

CWWA would also like to note that Connecticut has taken some important steps toward developing a state plan. The establishment of the Water Planning Council and its charge to create a continuing planning process has helped facilitate greater coordination and communication among the agencies that regulate water in Connecticut. In addition, the development of the Water Planning Council Advisory Group has provided a formal mechanism for stakeholders with various interests to meet and consider important water resource matters. While the parties have not necessarily always agreed, this ongoing opportunity for communication and discussion has been beneficial in fostering a greater level of trust and cooperation between stakeholders and in finding some areas of common ground.

These efforts continue to be helpful in moving Connecticut forward with a statewide water use plan that properly balances competing demands on water resources.

### **Licensed Water Professionals**

CWWA supports Section 6 of the bill which authorizes the state Department of Public Health to establish a Licensed Water Professional (LWP) program to facilitate timely review of matters before the department. This program would be modeled after the successful Licensed Environmental Professional program administered by DEEP, which has streamlined certain regulatory approval processes related to brownfields remediation, while *significantly reducing state costs* by reducing the administrative burden on DEEP staff to process such approvals.

Current law, Section 25-35, of the general statutes already authorizes the department to retain consultants to perform certain types of reviews. Although the bill indicates in Section 6(a) that this is new language, it is already codified in statute.

CWWA requests, however, that (b) of this section be clarified to provide that a LWP may only be used upon request of the applicant, who could submit an application prepared by a LWP for approval in lieu of the traditional department review.

### **Water Quality Funding**

CWWA also supports Sections 2 and 3 of the bill which update a funding mechanism to assist water companies in addressing water quality issues. This program was developed in the 1970s under the Safe Drinking Water Act and was instrumental in funding projects to improve water quality. At one point, funding of as much as \$7 million was authorized for eligible water quality projects. This section makes an important shift in the oversight of this program to the Department of Public Health which has oversight of water quality and compliance of the Safe Drinking Water Act regulations for Connecticut's public water suppliers.

Given the need to meet increasingly rigorous water quality standards, authorizing \$50,000 for such projects is clearly inadequate. We recommend that the committee determine a more appropriate amount.

### **State Water Planning Funding**

CWWA agrees that funding is needed to assist the Water Planning Council in developing a state water plan. We believe Section 8 of the bill should be revised to clarify that these funds may be used for staff and/or outside consultants with the expertise needed to assist in developing the plan.

### **Declaration of Major Disaster Due to Drought**

Section 7 (c) (1) should be amended to include "public water supplier or suppliers in the region" as the list of entities called upon to develop a response plan to determine whether non-emergency use of water should be restricted when the Governor declares a drought emergency. It should be amended to require that the response plan be "consistent with the state drought plan and the emergency contingency plan of any public water supplier providing water service with the affected communities." This language should also be amended to authorize the use of interconnections to meet public water supply needs.

CWWA commends Rep. John Hampton, Rep. Mary Mushinsky and other lawmakers for their leadership role in moving forward with legislation to create a comprehensive state water plan that will provide us with the data and information to understand how policies may affect Connecticut's water resources. We look forward to working with the committee on the issues we have identified in our testimony, which we have summarized as follows:

### **Recommendations:**

1. Amend Section 1, line 6 of the bill to provide that "Not later than two years after the completion of the WUCC plans, the Water Planning Council, shall prepare a state water plan..."
2. Amend the list of activities include in Section 1(a) to include "the development of a data collection framework and identification of appropriate scientific methodologies;
3. Require the Water Planning Council and its advisory group to collectively identify and report to the legislature by next session on the specific goals, timeline, data needs, and budget for the development of a statewide water plan;

4. Add language in Section 1(b) to explicitly require the plan to consider the quantity, quality and availability of water for public water supply needs;
5. Emphasize that the state water plan should be designed as a planning tool to guide discussions about water resources management and not a mechanism for determining how water should be allocated;
6. Amend HB-5420 to provide that a state water plan be approved by a unanimous vote of the Water Planning Council to ensure that no one agency should be in a position to exert undue influence over the outcome of a long-range plan;
7. Clarify Section 8 to provide that the funding is appropriated to OPM, “for administrative purposes only;”
8. Amend Section 6(b) of the bill to provide that a Licensed Water Professional may only be used at the request of the applicant;
9. Determine a more appropriate funding level to assist water companies in meeting rigorous water quality standards as called for in Sections 2 and 3;
10. Amend Section 8 (a) of the bill to clarify that funds may be used for staff and/or outside consultants with the expertise needed to assist in developing the plan;
11. Amend Section 8(b) to provide that this funding should be used for the “purpose of entering into contracts with consultants to provide services to *update and complete* water utility coordinating committees...”, and
12. Amend Section 7(c) (1) of the bill to include “public water supplier or suppliers in the region” in the list of entities called upon to develop a response plan to restrict non-emergency use of water when the Governor declares a drought emergency and require that the response plan be “consistent with the state drought plan and the emergency contingency plan of any public water supplier providing water service with the affected communities.”.



The Metropolitan District  
Hartford, Connecticut



Dr. Jewel Mullen, Commissioner  
Connecticut Department of Public Health  
410 Capitol Avenue  
Hartford, CT 06134

Dear Commissioner Mullen:

Perhaps there is no greater impact on public health than safe, high quality drinking water. As the leaders of the four largest drinking water providers in Connecticut, we count it a privilege to serve the people of our state. Together, we provide water service to nearly 2 million people across 132 cities and towns.

We are writing to voice our support for the completion of the Water Utility Coordinating Committee (WUCC) Planning process established under Sections 25-33c thru 25-33h of the CT General Statutes. The WUCC process was designed to address water quality and quantity issues on a regional basis to promote cost effective and efficient solutions. Much has been done in the years since the statute was passed in 1985. But much remains to be completed as well. It is time to press forward and complete the task, particularly with the recent legislative focus on the need for a State Water Plan. The WUCC plans should be an integral part of any such state plan. Fundamental to our ability to protect that resource and meet our public service obligation is our ability to plan for the future.

Our organizations recognize that additional resources and funding may be necessary to do so. We urge the Connecticut Department of Public Health to seek the resources necessary to complete and sustain this vital planning process, and we stand willing to support your efforts to do so.

Sincerely yours,

Larry L. Bingham  
President & CEO  
South Central Connecticut  
Regional Water Authority

Charles P. Sheehan  
CEO  
The Metropolitan District

Charles V. Firlotte  
President & CEO  
Aquarion Water

Eric W. Thornburg  
President & CEO  
Connecticut Water

Cc: State Representative John K. Hampton