



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 27, 2015
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

Committee House Bill No. 5693 – AN ACT REQUIRING NOTICE AND CONTINGENCY PLANS PRIOR TO THE STATE DRAW DOWN OF LAKES AND PONDS.

Thank you for the opportunity to present testimony regarding **Committee House Bill No. 5693 – AN ACT REQUIRING NOTICE AND CONTINGENCY PLANS PRIOR TO THE STATE DRAW DOWN OF LAKES AND PONDS.** The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP is responsible for the maintenance and repair of approximately 264 state-owned dams. When repairing any such dam DEEP follows the same permitting requirements that a private dam owner would follow. We obtain a dam safety construction permit prior to undertaking significant repairs. This permitting process includes two public notices: 1) a public notice of permit application and 2) a notice of tentative determination to issue such permit that provides an additional opportunity for public comment or request for hearing.

Raised House Bill 5693 proposes to require a thirty-day notice of any property owner where that owner's well may be impacted by the drawdown. The bill also mandates that DEEP prepare a contingency plan upon request of such owner.

Typically, wells potentially impacted by a drawdown are shallow, dug wells that do not meet current public health code requirements. Local or regional health departments are in the best position to know whether residents in their jurisdiction are being served by a public drinking water system or by a private well. Homeowners seldom "self-report" inadequate wells due to fear of impact on prospective purchasers, and fear of being required to upgrade a substandard well. Homeowners may also have substandard septic systems that may be discovered when a drawdown occurs. DEEP believes the public health implications of shallow wells and substandard septic systems are more concerning than the inconvenience caused by a drawdown.

Funds for dam repairs are already limited, and any redirection of those funds will result in fewer projects being undertaken, which ultimately results in a negative impact to the condition of such infrastructure, increasing risk to public safety and commensurate increased liability to the state.

Also, there are times when emergency conditions exist which require immediate drawdown of an impoundment for public safety reasons.

Therefore, for all the reasons above, DEEP opposes **Committee House Bill No. 5693 – AN ACT REQUIRING NOTICE AND CONTINGENCY PLANS PRIOR TO THE STATE DRAW DOWN OF LAKES AND PONDS** as it is currently drafted. We are willing to work with the proponents of the bill and members of the Environment Committee to craft reasonable language to notify local health officials and chief elected officials of a scheduled drawdown of a dam that needs repair. However, the cost of repair for both substandard private wells and septic systems is the responsibility of the homeowner. Local officials are in the best position to assist in improving shallow wells, and help correct septic system problems that could negatively impact water resources.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov).