



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

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

Public Hearing – February 13, 2015  
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

**Senate Bill No. 865 Raised – AAC ALLOWABLE COSTS FOR THE INSTALLATION OF OVERSIZED WATER MAINS AND THE BACKUP WELL SITING REQUIREMENTS FOR CERTAIN WATER COMPANY DIVERSIONS**

Thank you for the opportunity to present testimony regarding **Senate Bill No. 865 Raised – AAC ALLOWABLE COSTS FOR THE INSTALLATION OF OVERSIZED WATER MAINS AND THE BACKUP WELL SITING REQUIREMENTS FOR CERTAIN WATER COMPANY DIVERSIONS**. The Department of Energy and Environmental Protection (DEEP) opposes this proposal and welcomes the opportunity to offer the following testimony.

Section 1:

Among its many features, Connecticut General Statute section 22a-471 authorizes the commissioner of DEEP to order municipalities to provide long term potable water. It also provides associated grants from the state to reimburse the municipality for design and construction necessary to address polluted drinking water where the person who caused the pollution cannot be found. The proposed bill would amend general statute section 22a-471 to eliminate the current regulatory cost sharing formula which is based upon proportional volume of water provided. Under the existing law, if the municipality or water company wants to install a water main larger than required to address the pollution problem (e.g., to accommodate fire protection or economic development), then the state's share of the cost is proportionally lowered by the cost sharing formula. This results in a balancing of the state grant monies for pollution control and other monies for the added volume (most times by a factor of two (2) or more) being carried by the larger water main.

Under the proposed bill, the extra volume of water for firefighting, or public health unrelated to the pollution, would be an allowable cost for state potable water grants. DEEP has serious concerns that the fiscal impact to the state will be significant, as will be the health impact to other residents across the state whose need for water main extensions will be un-met. Failing to use the cost sharing formula where larger lines are desired by local interests will utilize scarce state Potable Water Bond Funds to subsidize larger lines installed for local and fire protection purposes. Thus, it will lessen the dollars available for use at other contaminated sites in the state where residents are struggling with unsafe water quality. Potable Water funds are limited and therefore under this statutory mechanism, should stay focused on pollution emanating from commercial, industrial, and agricultural sources.

We encourage the General Assembly to evaluate individual funding mechanisms for other special situations like fire protection, through a grant mechanism separate from the carefully constructed potable water purpose of the Connecticut General Statutes section 22a-471.

## Section 2:

DEEP does not support the proposed change to section 22a-377 of the Connecticut General Statutes to allow the exemption for the location of a backup well to be increased from the current limit of 200 feet radius to the proposed 750 feet radius around an existing primary well. A 750 feet radius will encompass an area equal to 40.5 acres compared to 2.9 acres for the current 200 feet exemption.

Increasing the exemption to allow for backup wells to be located within 750 feet from a primary well would increase the potential for unintended adverse impacts to surface water, groundwater, and other existing wells (public and private) located within the 750 feet radius, without the opportunity for the regulatory review and public process currently afforded by the Connecticut Water Diversion Policy Act.

Adverse impacts of primary concern associated with increasing the exemption to a 750 feet radius may include reduction in surface water flows, dewatering and degradation of wetlands, diminishment of well yield and quality of groundwater withdrawn from other existing wells (public and private), and the migration of groundwater pollution from adjacent areas of contamination.

The Connecticut Water Diversion Policy Act currently provides no limit on the amount of time that a backup well may operate when the primary well is out of service. Consequently, the stage is set for an exempted backup well to become by default the primary well should the primary well be taken out of service for extended or indefinite periods of time. Under such a scenario, a backup well could operate indefinitely as the default primary well without the regulatory review and public process provided in the Connecticut Water Diversion Policy Act.

The current 200 feet exemption provides a reasonable limit on the location for a backup well so as to minimize the potential for the backup well to cause unintended adverse impacts to surface water and groundwater resources different from those attributable to the primary well.

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](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov)).