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TESTIMONY OF REPRESENTATIVE DAVID BARAM, 15TH DISTRICT

Planning and Development Committee Public Hearing

March 11, 2016

Dear Senator Osten, Representative Miller, Senator Linares, Representative Aman, and distinguished members of the Planning and Development Committee:

Thank you for allowing me to address the Planning and Development Committee in connection with two proposed bills on your agenda today, namely Raised Bill 328 (LCO No. 2194) and Raised Bill 422 (LCO No. 2591) which address issues of statewide water policies and permitting transparency.

Some brief history is necessary to set the context of this dispute, about which you will hear from members of the public, water entities and the business community.

The genesis of these two proposed bills arose out of public comment at various Bloomfield Town Council meetings by residents opposed to the location of a Niagara Bottling Plant in Bloomfield. After the conclusion of a successful zoning process, Niagara applied for and received tax abatement from the Bloomfield Town Council. Niagara also received MDC approval to receive water for the manufacture of its plastic bottles and for re-sale in its bottles. The MDC passed an ordinance for high volume users that allows for discounted water rates once the commercial consumer exceeds usage of 500,000 gallons per day. In addition the MDC changed its sewer charge for "large users" to provide an additional discount. It is expected that Niagara will meet the criteria to qualify for the MDC discounts and the Bloomfield tax abatement.

Today you will hear competing perspectives on these issues. The MDC will argue that it has ample water supplies to service Niagara and other large commercial users, and that water consumption has significantly reduced. The MDC will note that it is in compliance with State

DEEP and Public Health regulations. The MDC will explain that its water rationing policy protects residential consumers. The MDC will note that other water companies and entities follow similar high volume discount policies aimed at stabilizing or reducing water rates for the residential consumers. The MDC will explain that under the Clean Water Act it must upgrade its infrastructure and without profitable commercial users, the economic burden will fall on taxpayers.

On the other hand, those from Bloomfield and surrounding communities who oppose the Niagara Plant will present a different perspective. The residents will argue that our water is a precious commodity that sustains life, and as such, must be preserved, protected and managed cautiously. The residents will point to the inequity of a commercial entity paying less in water rates, especially at a time when consumers are paying extra charges to support infrastructure repairs and upgrades mandated under the Clean Water Act. The residents will note that Niagara will be using the best-processed water in the country for export to other states, in plastic bottles that create environmental pollution, and in a manufacturing process that may produce hazardous waste. The residents will express concern that by commercializing the sale of our water, we are jeopardizing our future, especially with a changing climate that is producing warmer weather and shorter winters. The residents will also express concern about the lack of transparency in the zoning, permitting and tax abatement process.

It is in this context that Senator Beth Bye and I sought to find a reasonable and measured answer to these concerns and competing perspectives. It is a way for us to learn from this experience so that we can provide for a better process in the future.

The Bloomfield zoning process began when the owner of the land purchased by Niagara, applied for zoning and wetlands permits for a manufacturing building without identifying the end user – Niagara. Arguably members of these boards might have required more in depth studies, analysis and explanation if they knew the full scope of the use as a water bottling plant. **Raised Bill 328** attempts to make the permitting and abatement process more transparent so residents and elected officials have notice and information before decisions are made. This proposed Bill would require that permitting applications and tax abatement applications contain more detailed information such as; the contact and internet information of the developer, the relationship between the landowner, developer or tenant, contractual relationships, and a statement of purpose.

Unfortunately, **Raised Bill 328** was drafted to make the application forms discretionary through a burdensome ordinance process. I have provided a Proposed Substitute Bill (LCO 2880) which requires all such applications to contain this information. The requirement to change the municipal application forms is relatively simple, and it will serve a greater public purpose of notice and transparency.

Raised Bill 422 (LCO 2591) submitted by Senator Bye and myself was intended to address larger state water policies. We feel such policies need to be analyzed so that we can make sure that our water is prudently managed and preserved, and that use is prioritized in times of a drought or emergency.

Raised Bill 422 contains three steps to help accomplish this goal as follows:

Section One requires that the sale of water to residential consumers be prioritized over the sale of water to commercial entities during a water supply emergency. I would further suggest a carve-out for commercial entities related to public health, safety and welfare.

Section Two establishes a prohibition against water rate reductions for commercial entities producing or selling bottled water. I would suggest that this be amended to include a broader prohibition for commercial entities in general, unless they are related to our public health, safety or welfare. If this Committee feels otherwise, I would suggest at a minimum that discounted rates take into account special charges or assessments being paid by residential consumers for infrastructure improvements. I suggest that there be a State water plan that assesses how much commercialization can take place before we stand to endanger our water supplies. I do not think it can be based solely upon the projections on one water district, because a drought in one part of the state might certainly necessitate the diversion of water from one district to another to protect the affected population.

Section Three seeks to fairly equalize sewer rates as well, recognizing the financial contribution by our municipalities and consumers. My comments related to Section Two are applicable to Section Three as well, including a broader application to all commercial entities not related to our public health, safety or welfare.

As legislators we try to find appropriate solutions to challenges confronting us. This particular challenge should take on added importance as it involves a life sustaining resource that is essential to our future. I ask that you consider the issues and perspectives carefully so that in the future Connecticut can adopt the best plan to manage its water supply in a way that prioritizes residential consumption, avoids rate inequities, creates transparency, and protects its water supplies.

Respectfully,

A handwritten signature in black ink, appearing to read "David Baram". The signature is fluid and cursive, with a long horizontal stroke at the end.

Representative David Baram

**Proposed Substitute
Bill No. 328**

LCO No. 2880

**AN ACT CONCERNING MUNICIPAL APPLICATIONS FOR LAND USE
PERMITS AND TAX ABATEMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) In addition to any
2 powers it has under the provisions of the general statutes or any
3 special act, each municipality shall require each applicant for a land
4 use permit filed with such municipality's zoning commission, planning
5 commission, combined planning and zoning commission, zoning
6 board of appeals or inland wetlands commission or for a tax abatement
7 to disclose the following in writing: (1) The name, address, Internet
8 web site address, if any, and telephone number of the developers of
9 any property subject to the application, (2) a statement describing the
10 specific purpose of the application, (3) the relationship of the person
11 signing the application to the property owner and developer, if such
12 person is not the property owner or developer, together with the
13 nature of the authority upon which person signing the application has
14 relied in signing the application, and (4) the contractual relationship of
15 the applicant to any property developer that the applicant has
16 contracted with regarding the property subject to the application prior
17 to the application date.

18 (b) Each applicant required to make disclosures pursuant to

19 subsection (a) of this section shall update any change in the
20 information specified in said subsection not later than ten business
21 days after such change.

22 (c) An applicant filing an application described in subsection (a) of
23 this section shall include a brief statement in any public notice made
24 pursuant to such application that identifies the specific purpose of
25 such application.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	New section
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