

State Water Planning Council (WPC)

Public Hearing – March 7, 2016

Public Health Committee

Testimony Submitted by John W. Betkoski III, Chairman, WPC and Vice Chairman, Public Utilities Regulatory Authority (PURA)

Thank you for the opportunity to submit testimony regarding House Bill No. 5540 – An Act Concerning the State Water Plan.

On behalf of the State Water Planning Council (WPC), I am submitting testimony on House Bill No. 5540 – An Act Concerning the State Water Plan. The WPC is comprised of representatives of Connecticut's Departments of Energy and Environmental Protection (DEEP), Public Health (DPH), Office of Policy and Management (OPM) and Public Utilities Regulatory Authority (PURA).

The WPC has been charged, pursuant to Connecticut Public Act No. 14-163 "An Act Concerning the Responsibilities of the Water Planning Council" and codified in CT Gen Stat § 22a-352, to prepare a state water plan (plan) for the management of the water resources of the state. A final draft plan is due to the Connecticut General Assembly for approval by January 2018, or nearly two years from today.

The State Water Planning Council (WPC) is not unsympathetic to the concerns expressed by the proponents of the bill. In fact the WPC has been having on-going discussions with the proponents about their concerns. However, the WPC strongly believes that the legislation being proposed is premature.

The most problematic language is contained in section 1, paragraph f which states: "in consultation with the Water Planning Council Advisory Group (WPCAG)". As we read it, that language elevates the WPCAG to having equal status with the WPC for purposes of revising or rejecting the plan. Such a re-positioning could pose a problem in that it may well set a precedent for using legislation to treat the WPCAG as the co-equal of the WPC in other policy areas. It would mean that the WPCAG would cease being merely advisory and would, in essence, evolve into a policy making body on par with the WPC which was not contemplated or intended in PA 14-63.

The changes being proposed to the current legislation, while making the legislative approval process more structured, may also serve to make it more difficult to get a plan approved.

We are just at the beginning of the process of developing the State Water Plan ("Plan") and there are risks in making any final decisions, including those involving legislation, so early in the process as there are many unknowns at this point.

The WPC, along with many other stakeholders, are currently researching other Connecticut state statutes that address other statewide plans that include a legislative approval mechanism and that could provide guidance on an approval process for the State Water Plan. Before it was revised in 2014, the State Water Plan did not require approval from the legislature but simply submittal once the Commissioners at their respective state agencies approved the plan.

The WPC recently issued a Request for Qualifications (RFQ), inviting qualification submittals from contractors to develop, at the direction of the WPC, the plan. The WPC expects to have the consultant selected and at work in early April-2016.

Some of the deliverables expected from the consultant spelled-out in the contract include: organizing, prioritizing, and scheduling the work required to assist in developing the plan and recommendations on a process and schedule for implementing the plan.

There is a WPC Advisory Group (WPCAG) established by the CT General Statutes §25-33o, with the support of the WPC, consisting of designated members for specific water interests. The WPC has also established a Steering Committee, a Science and Technical Workgroup, a Policy Workgroup and an Other States Plans Workgroup to assist it in guiding the development of the plan. These groups meet regularly and continue to provide feedback to the WPC on a variety of issues. They will serve in a similar capacity with the WPC's consultant.

Discussions with the Governor's Office, legislative leaders, legislators and all the stakeholders who were instrumental in securing passage of PA 14-163 on a wide variety of issues, including the approval process, are on-going and will continue.

Thank you again for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Nick Neeley, Director, PURA at 860-827-2625 or Nicholas.neeley@ct.gov