



TO: Sen. Terry B. Gerratana and Rep. Matthew Ritter, Chairmen,  
And Honorary Members of the Public Health Committee

Testimony from Rivers Alliance of Connecticut  
Public Hearing, March 2, 2016, on

SB 288 AAC THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS ON THE EXPANSION AND CONSTRUCTION OF WATER SYSTEMS.

*Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.*

This bill is difficult to follow (for example, it includes several different statutory definitions of "water company"). But I have been assured that it addresses only an update of respective roles of DPH and PURA in overseeing expanded or new water systems.

So our only concern is that in this bill and others, there are repeated references to **exclusive service areas (ESAs) "as determined pursuant to section 25-33g."** This section of the statutes is on Water Utility Coordinating Committees (WUCCs). WUCCs are designed to create ESAs statewide. An ESA is essentially a water-supply monopoly. This is not necessarily bad (Rivers Alliance has not thus far opposed the concept). But, as we read the WUCC statute, an ESA is created only when a WUCC regional plan approved by DPH. In 30 years, only one such plan has been approved (out of seven original WUCC regions); the approved plan is for Southeastern CT. Three other WUCCs convened and created plans that have not been approved. Three other WUCCs never met.

DPH evidently considers as true ESAs, service areas created in WUCC plans not yet approved. SB 288 has so many references to exclusive service areas that would be helpful to clarify where these ESAs are and how they were awarded (other than those created via the full WUCC approval process). Reportedly, when DPH "identifies" an ESA, that ESA legally exists (or is treated as if it exists).

Identification is apparently based on decisions made in WUCC meetings. When in attendance at WUCC meetings, I have seen service-area plans, and seen them changed. But the process can be very informal. On the DPH website, there is a map for ESAs. It is difficult to open (had to ask our tech guy); and very general. There are approximately 60 ESAs, and about 20 more potential ESAs. More specific information, such as the names of suppliers, can be found by digging down. It is not clear how accurate the map is or how often it is updated.

So my comment is that this bill should be clarified so that one can understand what references to “exclusive service areas” denote. I also hope that the Committee ask OLR or other expert to review the legal status of ESAs approved in the WUCC process; ESAs drafted but not yet approved; and ESAs that have some sort of legal standing outside the WUCC process This is important because, as you know, DPH radically reconfigured WUCC regions two years ago (there are now three instead of seven) and has fast-tracked the development of new WUCC regional plans, such that plans for all three regions will be done simultaneously by one consulting firm by summer 2017 so that they can be considered in the state water planning work. So whether and when and where ESAs are legally established will be essential information in state planning.

Thank you for your consideration.

Margaret Miner, Executive Director

West Street, Litchfield CT [rivers@riveralliance.org](mailto:rivers@riveralliance.org) 860-361-9349