



**Testimony**  
**Elizabeth Gara**  
**Connecticut Water Works Association (CWWA)**  
**Before the**  
**Public Health Committee**  
**March 2, 2016**

The Connecticut Water Works Association (CWWA), which represents municipal, regional and investor-owned water companies, supports **SB-297 - AN ACT AN ACT CONCERNING CHANGE IN USE PERMITS FOR CERTAIN WATER SYSTEMS.**

**SB-297** clarifies the activities that trigger a “Change in Use” permit from the state Department of Public Health (DPH) to land use activities that are substantially different from the current use of the property for water supply purposes or activities that could potentially affect the purity and adequacy of the potable water supply.

Currently, a wide range of routine activities may trigger a request for a Change of Use permit. For example, stone revetment, which is performed to protect embankments from erosion, as well as the installation of underground electrical wires to a wellfield to prevent storm damage, have been considered a change in use by the department. **In fact, the Department has frequently used the guideline of “one shovel of dirt” disturbance at a wellfield as requiring a change in use permit.** Routine maintenance and minor upgrades to facilities can and do trigger Change in Use permits that end up costing DPH staff and water companies considerable time and effort to process - with no material benefit.

However, none of these activities are a “change in use” but, rather, necessary activities to maintain or protect the system. The Change in Use Application, see attached, requires extensive information to be submitted for review, which is simply not warranted given the routine nature of many of these activities. Clarifying the scope of activities that trigger the permit requirements would free up staff to focus on core public water supply oversight tasks.

The bill only applies to water companies that are required to file a water supply plan (serving > 1,000 persons) and who are in compliance with Erosion and Sedimentation Control plans and other Best Management Programs on file with the department. A change in use that was a true change or had potential to affect water purity and adequacy (unlike the minor activities we referred to), would still require extensive DPH review.

Given the department’s limited staff and resources, this bill will help free up staff to focus on core public water supply oversight tasks and reduce the administrative burden on municipal water departments and other water companies.

CWWA is committed to working with DPH staff and environmental stakeholders to resolve any issues regarding the proposed language.



**STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH  
DRINKING WATER SECTION**

[www.ct.gov/dph/publicdrinkingwater](http://www.ct.gov/dph/publicdrinkingwater)

**WATER COMPANY LAND PERMIT APPLICATION**

This application must be submitted when a water company intends to sell, lease, transfer or assign Class I or II water company land or intends to change the use of Class I or II water company land per Connecticut General Statutes (CGS) Section 25-32. The following information should be supplied by the current administrative official of the water company. Refer to the Regulations of Connecticut State Agencies (RCSA) Sec. 25-37d-1 through 9 for information on the water company land application review process. Electronic submission of applications and attachments is permissible, provided that the applications include signatures.

**Section A. Public Water System and Applicant Information**

PWS Name: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Project Address: \_\_\_\_\_  
PWSID Number: CT \_\_\_\_\_ PWS Type (select one):  Community  NTNC  TNC  
Town: \_\_\_\_\_ DPH Project Number (if known): \_\_\_\_\_  
Print Name of PWS Administrative Official: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Name of Consultant (if applicable) \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_



**Section B. Basis for Requesting Approval or Permit (select all that apply)**

- Formal Enforcement Action (Administrative Order, Consent Order, Notice of Violation (Civil Penalty))
- Violation Identified in Sanitary Survey Report
- Project Identified in Approved Water Supply Plan
- Federal or State Grants or Loans  DWSRF  STEAP Funds  STAG Funds
- Proactive (system improvements or enhancements)
  
- Other: \_\_\_\_\_

**Section C. Type of Approval or Permit Requested (select all that apply)**

- Water Company Land Sale, Lease, Transfer or Assignment (Complete Sections D, E and G)  
Check one of the following: Sale  Lease  Transfer  Assignment
  
- Water Company Owned Lands Change in Use (Complete Sections D, F and G)

**Section D. Project Description**

Provide a general summary of the proposed project, including the total acreage of each class of water company land to be disturbed or the total acreage of each class of water company land which will be subject to the sale, lease, transfer or assignment or change in use. Refer to CGS Sec. 25-37c for land classification definitions. You may attach additional sheets, if necessary.

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### **Section E. Supporting Information- Sale, Lease, Transfer or Assignment**

Each of the following items should be labeled with the section and number (i.e. Section E – #4). If the item is not applicable, provide the number and indicate “N/A”.

1. Provide a scaled site plan that shows all water company land to be sold, leased, transferred or assigned.
2. Indicate the proposed methods of protective restrictions and enforcement the applicant or other parties will impose on the parcel to be subject to the permit. (If restrictions do not apply uniformly throughout a parcel, attach a map that shows the restrictions that apply to each portion of the parcel.)
3. Provide a draft copy of the sale, lease, transfer or assignment agreement.
4. Provide copies of the notification letter sent to the chief elected and chief executive officials of the towns in which the proposed sale, lease, transfer or assignment will occur. Submit both sides of the certified mail green return receipt or United States Postal Service delivery confirmation.
5. Provide a copy of the “Capacity Evaluation for Water Company Purchase”, completed by the entity to which the land will be sold, leased, transferred or assigned.
6. Provide copies of any deed restrictions or variances.
7. If the applicant is required to prepare a water supply plan pursuant to CGS Section 25-32d, indicate whether the proposed sale, lease, transfer or assignment is consistent with the current approved plan.
8. Provide the sale of a source notification letter required by CGS Section 25-33l and any subsequent correspondence, if applicable.
9. For the lease of Class I water company land associated with groundwater sources, provide copies of the sanitary easements indicating restrictions within the affected sanitary radius.



**Section F. Supporting Information- Change in Use**

Each of the following items should be labeled with the section and number (i.e. Section F – #4). If the item is not applicable, provide the number and indicate “N/A”.

1. Provide a final scaled project site plan including existing conditions, horizontal and vertical extent of site disturbance including access and permanent and temporary land disturbance. Describe the nature and necessity of the impervious materials used at the site (i.e. pavement). Include any evaluation conducted to determine the impact of the impervious area on the recharge of the water supply sources.
2. Provide copies of the notification letter sent to the chief elected and chief executive officials of the towns in which the proposed project is located. Submit both sides of the certified mail green return receipt or United States Postal Service delivery confirmation.
3. Provide a brief outline of the project (i.e. site preparation, demolition, construction, stabilization); include a spill prevention and emergency response plan or drinking water quality management plan.
4. Indicate the proposed methods of protective restrictions and enforcement that the applicant or other parties will impose on the parcel to be subject to permit, and demonstrate that such change will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply. (If restrictions do not apply uniformly throughout parcel, attach a map which shows the restrictions which apply to each portion of the parcel.)
5. Indicate alternatives that were considered and why this option was chosen.
6. Describe the benefit to the water system as a result of the proposed change to the water company land.
7. Provide copies of any deed restrictions, variances or permits required by other regulatory agencies.
8. Provide a copy of the Revocable License Agreement, if applicable.
9. If any part of the sanitary radius of a groundwater source wellhead is owned by another entity, provide copies of the sanitary easements, if applicable.
10. If the applicant is required to prepare a water supply plan pursuant to CGS Section 25-32d, indicate whether the proposed change in use is consistent with the most current approved plan.
11. Describe the short and long term land improvements designed to protect the water source(s), such as primary or secondary stormwater treatment, addition of native vegetative buffers or other low impact development management practices.

**Section G. Certification Statement**

I certify to the best of my knowledge that the information provided in this application is complete and correct. I understand that the information I provide will be used by the Department of Public Health, Drinking Water Section to determine if a Permit for the Sale, Lease, Transfer or Assignment or Change in Use of Water Company Land can be granted.

\_\_\_\_\_  
Signature of PWS Administrative Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of PWS Administrative Official (print or type)

\_\_\_\_\_  
Title