

# Environment Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-105

AN ACT ENSURING CONTINUING WATER SERVICE FOR CERTAIN

**Title:** MUNICIPALITIES.

**Vote Date:** 2/28/2018

**Vote Action:** Joint Favorable

**PH Date:** 2/23/2018

**File No.:** 6

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## SPONSORS OF BILL:

Environment Committee

Sen. Leonard A. Fasano, 34<sup>th</sup> Dist.

Sen. Ted Kennedy, 12<sup>th</sup> Dist.

## REASONS FOR BILL:

To ensure adequate water service to the town of Durham for purposes of the Durham Fair. Special Act No. 08-7 allowed the town of Durham to withdraw up to one hundred thousand gallons of water per day for three consecutive days per year without the water diversion permit required under the Connecticut Water Diversion Policy Act. This Special Act is effective until October 1, 2018. Since the passage of Special Act No. 08-7, the town of Durham has worked in conjunction with the Environmental Protection Agency, the Connecticut Department of Energy and Environmental Protection, the Connecticut Department of Public Health, and the city of Middletown to secure adequate supply of water to the town of Durham. This project is scheduled for construction during the summer of 2018 and may not be completed before the October 1, 2018 deadline. This bill extends the deadline to October 1, 2019.

## RESPONSE FROM ADMINISTRATION/AGENCY:

### **Raul Pino, M.D., M.P.H., Commissioner, Connecticut Department of Public Health**

**(DPH):** Supports the bill. This bill will provide the town of Durham additional time to provide a pure and adequate supply of water to its citizens through an interconnection with the city of Middletown, which is scheduled to be constructed during the summer of 2018. Pollutants found in both public and private wells in Durham have been contaminated with Trichloroethylene and other chemicals.

## **NATURE AND SOURCES OF SUPPORT:**

**Vincent Candelora, State Representative 86<sup>th</sup> District and Noreen Kokoruda, State Representative, 101st District:** This bill will allow the Durham Fair to operate smoothly in an environmentally safe manner by ensuring that adequate water service is. Durham requires as much as one hundred thousand gallons of water per day for the duration of the fair.

**Laura Francis, First Selectman, Town of Durham:** An extension of the waiver will save the town the effort and cost associated with obtaining a water diversion permit, resources that can be utilized more efficiently building out a public water supply not under the influence of groundwater contamination. To this end, the town of Durham has worked in partnership with the Environmental Protection Agency (EPA), the Connecticut Department of Energy and Environmental Protection, the Connecticut Department of Public Health, and the city of Middletown to secure public water supply. The extension of Middletown water into Durham has been approved and permitted. The EPA anticipates the project will be out to bid in March and is expected to be completed within one year.

**Betsy Gara, Executive Director, Connecticut Council of Small Towns:** Recognizing that requiring a diversion permit from the state Department of Energy and Environmental Protection can cost thousands of dollars and take months to process; the Connecticut General Assembly adopted legislation providing the town of Durham with a limited exemption from the diversion permitting requirements. This recognizes that a protracted permitting process is not appropriate for an event of limited duration such as the Durham Fair.

**Elizabeth Gara, Executive Director, Connecticut Water Works Association:** Staffing and delays in processing permits have been an ongoing problem with the Connecticut Department of Energy and Environmental Protection (DEEP). Exempting withdrawals of a limited duration, such as the Durham Fair, ensures that limited DEEP staff can focus on activities that truly warrant additional review.

## **NATURE AND SOURCES OF OPPOSITION:**

**Margaret Miner, Executive Director, Rivers Alliance of Connecticut:** The Rivers Alliance is, at this time, not opposing the bill, but asks that Durham's problem obtaining water for the fair be solved by the town and relevant agencies in the future. The legislatures involvement in handling water diversion permits is bad precedent.

**Reported by: Steve Smith / Ussawin R. Bumpen    Date: 3/29/2018**