



93 West Main Street
Clinton, CT 06413
1-860-664-6055

Testimony of Connecticut Water Company
Environment Committee
March 14, 2018

**SB-427 AN ACT CONCERNING PUBLIC TRUST COMPONENTS
OF THE STATE WATER PLAN**

Connecticut Water Company joins with our colleagues in the Connecticut Water Works Association (CWWA) raising significant concerns over the implications of inserting public trust language in the State Water Plan. While ***SB-427 AN ACT CONCERNING PUBLIC TRUST COMPONENTS OF THE STATE WATER PLAN*** does not mitigate those very real concerns, we understand the bill is nonetheless intended to address the issue, and we thank the Committee for having raised the bill.

As a public water utility, Connecticut Water provides water service to more than 90,000 customers, or approximately 300,000 people in 56 towns in Connecticut. The service we provide, delivering high quality drinking water and fire protection, is essential to the thousands of residential, commercial and industrial users throughout our service area.

We supported the passage of Public Act 14-163 that called for the development of a State Water Plan and were actively involved in various stakeholder groups and committees throughout the draft Plan's development. Because of this extensive involvement, we were surprised, and frankly concerned, when the Plan's language was revised very late in the process to reference, with considerable emphasis, the concept of public trust under the Connecticut Environmental Policy Act (CEPA). Further, these late changes came after the opportunity for the various Plan workgroups, including its Steering Committee and Policy Subcommittee, to offer any input into the revisions.

We strongly believe, as does CWWA, that if the Plan is adopted as drafted, the language referencing the CEPA Public Trust doctrine under CGS Sec. 22a-15 could undermine or at least create significant confusion in the courts when it comes to the application of common law and case law around water rights.

As a water utility, we depend upon certain established water rights. Those rights provide stability and assure the availability of adequate water supplies to meet our public water service obligation for our customers and the communities across Connecticut that we serve. Therefore, we are concerned the Water Planning Council's unilateral inclusion of Public Trust language in the Plan and its emphasis in the Executive Summary of the plan. It poses a potential risk to our long-term ability to meet the public health, safety and economic development needs of the communities we serve.

Connecticut Water has long been a steward of the environment and strives to ensure that water resources are protected and our water utility operations are sustainable. We worked collaboratively with the various stakeholder interests throughout development of the draft Plan to ensure it largely met the balance mandated by the Legislature.

We are justifiably concerned that the thoughtful balance achieved through two years of consensus-based discussions will potentially be undermined by inclusion of a significant public policy issue like the Public Trust Doctrine, with minimal discussion as to its ramifications on water law and the state's numerous public water suppliers. It seems particularly inappropriate that the Public Trust concept has been added to the plan, as other issues which were not able to be gain consensus among stakeholders during the process of developing the plan were identified for further study.

We appreciate the Committee's interest in this issue and strongly suggest that any reference in the State Water Plan to public trust, and specifically CGS Section 22a-15, be deleted.