

Testimony on SB-427: “An Act Concerning the Public Trust Components of the State Water Plan”

Dear Senator Kennedy, Senator Miner, Representative Demicco, and Environment Committee Members:

We are writing to express our strong opposition to SB 427. We are extremely perplexed as to why such a nebulous, confused bill is being raised by the Environment Committee. The Statement of Purpose (“To provide that private drinking wells are not held in the public trust and therefore not subject to regulation by the state water plan.”) doesn’t even make sense: private drinking wells would not be subject to regulation by the State Water Plan if the Plan is adopted. The Plan is not a regulatory document; it’s advisory only.

We have a number of other questions and concerns, just three of which are listed below:

- What is the definition of “private drinking wells?” Does it mean small wells owned by individuals? Does it include privately owned wells, such as in well fields owned by private water utilities (e.g., Aquarion/Eversource or Connecticut Water)? Does it include wells owned by large commercial water bottlers such as Niagara Bottling?
- The public trust resource designated in existing law is water itself, not water infrastructure (e.g., pipes, wells, pumps). However, SB 427 refers to private drinking wells – which are infrastructure. The bill mixes apples and oranges.
- Water is a system; you can’t isolate one part from another. A well can withdraw sufficient water to adversely impact a stream, a river, or a neighbor’s well. This has happened - UCONN is the high-profile “poster child” for this reality with the Fenton River. The University draws approximately 844,300 gallons of water a day from its well fields near the Fenton River; in 2005 the combination of dry conditions and high seasonal demand for water dried up a section of the river, killing thousands of fish. Ironically, one can argue that the UCONN/Fenton River incident started the chain of events leading to the passage of Sec. 22a-352, the legislation requiring development of the State Water Plan.

Unfortunately, there will always be some people and private interests who want to freely use vast amounts of water at all times, even in a drought or when neighbors’ wells have run dry. But no one is allowed to corner water in Connecticut – at least not yet. Let’s keep it that way. The State is responsible for managing this public trust resource for the public benefit now and in the future. We are counting on the Environment Committee to do its part and vote this bad bill down.

Thank you for your consideration.

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