



Testimony
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Before the Public Health Committee
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RE: HB- 5154 - AN ACT CONCERNING WATER USAGE AND CONSERVATION DURING DROUGHT CONDITIONS.

The Connecticut Water Works Association (CWVA), a trade association of private, regional and municipal water companies, appreciates the opportunity to testify regarding **HB- 5154 - AN ACT CONCERNING WATER USAGE AND CONSERVATION DURING DROUGHT CONDITIONS.**

Last year, certain areas of the state experienced extended drought conditions, underscoring how important drought management and response activities are to protecting the availability of public water supplies to meet the public health and safety demands of residents and businesses. At the same time, it is important to understand how the supply status and system operations vary between water companies, and even systems within a company. Drought response measures must be specific to those systems so that they do not unduly disrupt the activities of Connecticut's residents and businesses.

CWVA therefore supports efforts to strengthen drought management and response activities, including enhancing the enforcement of water use restrictions and improving communication with the public regarding changing drought conditions and applicable water use restrictions. To address these issues, CWVA and the CTAWWA Water Resources Committee initiated a working group to develop recommendations. The group will be presenting its recommendations to the Water Planning Council (WPC) and the WPC Advisory Group at their April meetings.

In addition, as directed by the WPC, the Connecticut Interagency Drought Work Group, which consists of state officials from the Department of Public Health, Department of Energy and Environmental Protection, Department of Agriculture, Office of Policy and Management, and the Department of Emergency Services and Public Protection, is finalizing its efforts to update the 2003 Drought Preparedness and Response Plan.

Given all of the work that has been conducted by these groups, CWVA believes that lawmakers should move forward with legislation to implement recommendations for strengthening drought management and response this year, rather than directing the WPC to undertake a study of the issue. In addition, some of the tasks enumerated in the bill, such as the call for standardization of initiating drought advisories, would be counterproductive and only serve to undermine the state's efforts to effectively manage drought response activities.



➤ **Connecticut Interagency Drought Work Group**

The Connecticut Interagency Drought Work Group's Plan establishes criteria for declaring drought stages based on current and forecasted conditions of precipitation, ground water, streamflow, reservoir levels, drought severity, crop moisture index and the fire danger relative to normal conditions. It is important to note that the scope of this Plan is broader than drought plans prepared by individual water companies because the Plan different types of droughts, including hydrologic, agricultural, or meteorological droughts, which may or may not occur at the same time as those affecting public water supplies.

Connecticut's Interagency Drought Work Group is moving forward with efforts to update the plan to further improve the coordination and enforcement of drought management and response activities. The updated plan, which is currently subject to review under PURA Docket 16-10-12 "Draft Connecticut Drought Preparedness and Response Plan", will place a greater emphasis on the consideration of regional differences in drought status. Also, the Plan establishes a new initial drought stage called "Heightened Awareness", which ensures that state, regional, and local officials and water utilities are alerted earlier to worsening drought conditions, which will better position them to respond.

Recommendation: Codify the Interagency Drought Work Group in statute to ensure that its role in developing a drought management plan is clearly understood and require the plan to be updated on a regular basis.

➤ **Drought Triggers**

Under current law, all water companies that serve more than 1,000 persons are required to prepare a drought plan which includes triggers and response actions for four stages of drought: Advisory, Watch, Warning, and Emergency. These triggers are set by the individual water companies based on system-specific characteristics, such as degree of surface water vs. groundwater dependence, source capacity, water demand, historical reservoir drawdown levels, and predictive models that forecast water storage under severe drought conditions. Detailed system information and data are used by water utilities to develop triggers, responses, and monitoring protocols.

As indicated, typically, there is significant variability in the types of drought and the relative severity of the drought experienced in different regions of the state and in different areas served by water utilities. As such, drought management and response activities must be flexible and adjusted to address local conditions and circumstances and not standardized. Standardization of such advisories, watches, etc. would lead to confusion and prove disruptive for individuals and businesses who may be unnecessarily subject to stringent water use restrictions. In addition, drought conditions should be evaluated and reevaluated as they occur and change, and water utilities should have the flexibility to implement strategies to address



specific conditions. It is important to the residents and the operations of local businesses that drought restrictions are only implemented as necessary and that the requested reductions are reasonable and appropriate given the situation.

➤ **Public Notification System**

CWVA supports efforts to enhance communication with the public to ensure that residents and businesses are aware of emerging or changing drought conditions and the imposition of voluntary and mandatory water use restrictions. Clearly, ensuring that such information is posted on the Internet web sites and social media accounts of water companies and affected municipalities is critical to enhancing communication.

Recommendation: *Require a water company that enters any of the drought stages per its water supply plan to provide public notification by (1) posting the notice of any voluntary or mandatory water use restrictions on its website; and (2) providing notice of the status of the water system and any water use restrictions, and a link to the water company's website with information on such restrictions, to the chief elected official and the local health director of each municipality served by the water system.*

➤ **Enforcement of Water Use Restrictions**

Connecticut's ongoing drought situation has highlighted the need for the state and municipalities to strengthen mechanisms for enforcing water use restrictions during periods of drought and other water supply emergencies. Water use restrictions on non-essential uses, such as lawn watering, car washing and filling up swimming pools, are in large part related to seasonal residential use and can have a dramatic impact on reducing water consumption without affecting essential uses or disrupting businesses that rely on a stable supply of water in their operations or processes.

However, enforcing water use restrictions on the local level has posed significant challenges. Although the state has developed a model ordinance to assist municipalities in enforcing water restrictions, very few municipalities have adopted the ordinance, which can involve a time-consuming and costly process. Moreover, because municipalities may adopt ordinances with different water use restrictions, such as days that lawn watering bans are in effect, this town-by-town approach may create confusion with residents and businesses, making enforcement more difficult.

Recommendation: *Ensure that water use restrictions are effectively enforced on the local level by 1) authorizing municipalities to enforce water use restrictions consistent with the water utility's drought management and response plan, and 2) allowing for violators to be charged fees that would be included on their water bill.*



Below is language that addresses these suggested changes.

CWVA stands ready to work with the Public Health Committee and other stakeholders to ensure that the state's drought management and response activities adequately protect the availability and reliability of the state's public water supplies.

SUGGESTED LANGUAGE - AN ACT CONCERNING WATER USAGE AND CONSERVATION DURING DROUGHT CONDITIONS

Sec. 1 When a water company, as defined in Section 25-32a, operates a water system that enters any of the drought stages contained in a water supply plan submitted to the Commissioner of Public Health in accordance with Section 25-32d, the water company shall: (1) post the notice of any voluntary or mandatory water use restrictions required by such plan on its Internet website; and (2) provide notice of the status of the water system, any water use restrictions required by such plan, and a link to the water company's website with information on such restrictions, to the chief elected official and the local health director of each municipality served by the water system.

Sec 2. The water company serving a water system or systems subject to mandatory water use restrictions shall enforce such restrictions consistent with its emergency contingency plan. To achieve compliance with such restrictions, the company may impose a fee of not more than one hundred dollars per day on the bill of the water customers for each occurrence when a customer fails to comply with the mandatory use restriction imposed pursuant to this section. Such fee shall be subject to any collections or termination procedures authorized for the company. If a customer fails to comply with the mandatory use restrictions and such non-compliance is believed detrimental to the safe operation of the water system, the water company may terminate service to the customer, provided they have notified the customer at least 24 hours prior to the termination that they have failed to comply with the applicable water use restrictions.

Section 3 (a) There shall be established a State Interagency Drought Workgroup that consists of a representative from the Departments of Agriculture, Public Health, Energy and Environmental Protection, Emergency Services and Public Protection and the Office of Policy and Management that shall be responsible for developing and implementing the Connecticut Drought Preparedness and Response Plan (the "Plan") in order to provide state and local decision-makers and public water suppliers with a set of formal operating procedures and administrative guidance for proactive drought planning and response management.

(b) The Plan shall be submitted by the Workgroup to the Water Planning Council by July 1, 2018 for approval.

(c) The plan shall include, but not be limited to, (1) a description of what preparations should be in place prior to a drought declaration in order for the state and local municipalities to act when it becomes necessary; (2) definition of criteria and guidelines for the Interagency Drought



Workgroup to assess drought conditions in order to determine which stage of drought is occurring in a given area; (3) identification of the state, regional, local, federal, and private sector entities that are primarily responsible for managing drought-related activities; (4) guidance for entities to undertake drought-related activities for which they are responsible, in the areas of coordination, public outreach, assessment, and preparedness; (5) definition of communication strategies to integrate activities of the responsible parties; (6) identification of progressive water use restrictions that may be implemented at the state or local level for impact mitigation; and (7) promotion of effective mobilization of public and private resources to manage drought mitigation efforts.