

Legislative History for Connecticut Act

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GEN. ASSEMBLY  
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kbb

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House of Representatives

Thursday, March 28, 1985

on Environment, Substitute House Bill No. 7115, AN ACT CONCERNING FINANCIAL ASSISTANCE FOR INDUSTRIES TO RECYCLE OR REDUCE HAZARDOUS WASTE PRODUCTION. The committee has met, feels the bill should pass, but first be referred to the Committee on Appropriations.

ACTING SPEAKER FOLEY:

So ordered.

CLERK:

Another Favorable Change of Reference, Substitute House Bill No. 7644, AN ACT CONCERNING A CONNECTICUT PLAN FOR PUBLIC WATER SUPPLY COORDINATION, Joint Standing Committee on Environment. The committee has met, feels the bill should pass, but first be referred to the Committee on Public Health.

ACTING SPEAKER FOLEY:

So ordered.

CLERK:

Favorable Change of Refence, Joint Standing Committee on Human Services, Senate Bill No. 180, AN ACT PROVIDING FUNDS FOR RETIRED SENIOR VOLUNTEER PROGRAMS. The committee has met, feels the bill should pass, but first be referred to the Committee on Appropriations.

ACTING SPEAKER FOLEY:

So ordered.

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The Clerk please return to the Call of the Calendar.

CLERK:

Page 5, Calendar No. 836, Substitute for House Bill 7644, File No. 1093, AN ACT CONCERNING A CONNECTICUT PLAN FOR PUBLIC WATER SUPPLY COORDINATION. Favorable Report of the Committee on Appropriations.

REP. NEUMANN: (62nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Neumann.

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER BELDEN:

The motion is for acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, Sir?

REP. NEUMANN: (62nd)

Certainly, Mr. Speaker. I think probably the two representatives who had more impact in this bill, even on approval, are Terry Bertinuson and Julie Belaga working on the clean water plan. This is a culmination of two or three efforts and the development of a master plan for providing clean drinking water in the State of Connecticut.



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This bill would implement that plan and begin the process and I urge its adoption.

We do have an amendment, Mr. Speaker, LCO 7283 and I ask the Clerk call the amendment and I be allowed to summarize.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO 7283 which will be designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 7283 offered by Rep. Neumann.

DEPUTY SPEAKER BELDEN:

Rep. Neumann.

REP. NEUMANN: (62nd)

I have asked permission to summarize.

DEPUTY SPEAKER BELDEN:

The motion is for, excuse me a moment, Rep. Neumann.

REP. NEUMANN: (62nd)

Thank you. With permission to summarize, what this amendment does basically is to reduce the appropriation by \$150,000 from the \$700,000 in the file copy to \$550,000. The \$700,000 figure was necessary, was basically a full year funding.

It's, I think to recognize at this point in time

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the three-quarters of a year funding that is going to be adequate and therefore this money is transferred accordingly to the capital account in the budget.

DEPUTY SPEAKER BELDEN:

Does the gentleman move adoption of House Amendment Schedule "A"?

REP. NEUMANN: (62nd)

I would move adoption.

DEPUTY SPEAKER BELDEN:

The motion is for adoption of House Amendment Schedule "A". Will you remark further on House Amendment Schedule "A"?

REP. POLINSKY: (38th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Polinsky.

REP. POLINSKY: (38th)

A question through you to the Chairman of the Appropriations Committee.

DEPUTY SPEAKER BELDEN:

Please frame your question, Ma'am.

REP. POLINSKY: (38th)

I assume this amendment is kind of "rob Peter to pay Paul" for a good worth cause. Through you, Mr. Speaker,

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I'd like to know what the various debt causes are.

DEPUTY SPEAKER BELDEN:

Rep. Neumann.

REP. NEUMANN: (62nd)

Through you, Mr. Speaker, if you would take time, it's all spelled out on the back of fiscal note on Sufficiency Bill 4.

DEPUTY SPEAKER BELDEN:

Rep. Polinsky, you have the floor.

REP. POLINSKY: (38th)

Through you, Mr. Speaker, I probably can look at that. The rest of the House might wonder and the Chairman might wish to go into more detail for them.

DEPUTY SPEAKER BELDEN:

Rep. Neumann.

REP. NEUMANN: (62nd)

Mr. Speaker, through you, I would only say at this point in time that the way this is set up this money was made available to the FAC to handle the fact that the committee as shown by the FAC totaled, those released from the committee came to \$2,066,000.

There was \$2 million in the line. This will put \$2,150,000 in that line at this point in time.

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DEPUTY SPEAKER BELDEN:

Rep. Polinsky. Will you remark further on House Amendment Schedule "A"? Will you remark further? If not, I will try your minds. All those in favor of adoption of House amendment Schedule "A" please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

All opposed nay.

The ayes have it. House Amendment Schedule "A"  
is adopted and ruled technical.

\*\*\*\*\*

House Amendment Schedule "A".

In line 205, strike out "eighty-four" and insert in lieu thereof "thirty-four"

In line 210, after "of" insert "Sections 1 to 8, inclusive, of"

In line 211, strike out "Two hundred thirteen" and insert in lieu thereof "one hundred sixty-three"

In line 216, after "of" insert "Sections 1 to 8, inclusive, of"

In line 218, strike out "One hundred three" and insert in lieu thereof "Fifty-three"

In line 223, after "of" insert "Sections 1 to 8, inclusive, of"

After line 223, insert Section 12 as follows and renumber the remaining section accordingly:

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"Sec. 12. One hundred fifty thous and dollars of the amount appropriated to the capital projects account, for capital outlay, in Section 1 of substitute Senate Bill 742 of the current session, shall be transferred to the FAC-acts without appropriations."

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REP. TIFFANY: (36th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, as I alluded to yesterday that I think this is one of the two or three most important bills that the Environment Committee dealt with this session and I would not like to yield to Rep. Bertinuson who was Chairman of the Water Task Force for two years who will briefly explain the details of the bill.

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson, do you accept the yield, Ma'am?

REP. BERTINUSON: (57th)

Mr. Speaker. Thank you, I do accept the yield. I'm sorry I missed the, I assume that that was what the exchange was.

DEPUTY SPEAKER BELDEN:

Yes, it was, Ma'am.

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REP. BERTINUSON: (57th)

Yes, thank you, Mr. Speaker and members of the House. The bill before us is really the centerpiece of a package of bills that came from the work of the Water Resources Task Force. Those of you who have been interested know that we've been working for over two years for a committee made up of legislators from three committees, the representatives of water companies and of state agencies.

This bill before us today is the most important piece of legislation to come out of that committee. And what it basically deals with is a plan for water supply coordination. It's a bill, a proposal that we think will have very longlasting and widespread effect, but it is not really sweeping legislation in the sense that it does not make any significant changes in present law. It doesn't create any new layers of bureaucracy. It doesn't call for a water czar or any of the things that we might have looked at at the beginning.

Based on current laws, things that are on the books now, it's simply a new approach to long range planning. Basically the way it will work is that to begin with the Department tells who will set up water supply management areas. The state will be divided into water supply management areas according to specifications

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listed in the bill. Within each one of those water supply areas once the Departments us there's established a priority starting with one at a time, a committee called a Water Utilities Coordinating Committee will be established in each of these districts one year at a time probably so that by the end of ten years, nine or ten years, the whole state will be completed.

I would like to call your attention to fact that the Water Utilities Coordinating Committee is really the heart of this proposal. It's the committee that will make or break the plan. If it's going to work it's going to depend on the effectiveness of this coordinating committee.

This committee is made up of representatives of all the water utilities in each region. Those water utility representatives have to sit down with their long range plans which are required under law, put those plans together, see where they overlap, resolve boundary disputes if there are any, see where there are gaps so that when they're through they'll have a plan that we can say will provide for the water needs of that region for the next 50 years.

They are required at three specific points in their deliberations to go back to the towns, to the regional planning agencies and to the state agencies for comment. They are required to respond to those comments in each case.



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Once each plan is completed, then it goes to the Department of Health Services which must give it their final approval. The bill, as have several other pieces of legislation coming out of the task force, makes it clear that the Department of Health Services review the lead agencies that are dealing with drinking water supplies.

This is a major piece of legislation. It is really the heart of a body of new water law that we're trying to develop to bring Connecticut into the next century with a rational plan so that we will be able to assure that the people of Connecticut will have an adequate supply of good drinking water which is so essential both for our physical health and our financial health.

I would ask for your enthusiastic support for this plan so that we can get it underway as soon as possible.

DEPUTY SPEAKER BELDEN:

Thank you, Ma'am. Will you remark further on the bill?

REP. FARR: (19th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Farr.

REP. FARR: (19th)

Mr. Speaker, the Clerk has an amendment, LCO 7677.



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May the Clerk please call and I be allowed to summarize.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO 7677 which will be designated House Amendment Schedule "B".

CLERK:

House Amendment Schedule "B", LCO 7677 offered by Reps. Van Norstrand, Rep. Esposito, Rudolf, Young, Mills and Anastasia.

DEPUTY SPEAKER BELDEN:

The gentleman has requested permission to summarize. Is there objection? Hearing none, Please proceed, Sir.

REP. FARR: (19th)

Mr. Speaker, what the amendment does is it allows members or representation from the regional planning agencies to be on the Water Utility Coordinating Committee.

It also makes a couple of small changes in the bill, but that's the major thrust of the amendment.

And I would urge adoption of the amendment.

DEPUTY SPEAKER BELDEN:

The gentleman has moved the adoption of House Amendment Schedule "B". Will you remark further on House Amendment Schedule "B"?

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REP. BERTINUSON: (57th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I rise in objection to the amendment.

I know it seems like a simple amendment and to be honest with you, at one point in the deliberations of the task force we had considered a different kind of makeup for this Water Utilities Coordinating Committee.

It was probably the issue that was the most heavily debated over the two years when we were deciding how to go with this plan.

The makeup of that committee is really central to the plan itself. And if you look at the title of the committee, it's the Water Utilities Coordinating Committee.

It's for the water utilities to sit down and coordinate their plans. That's what the plan is. It's a plan, a water utilities plan that we're asking for out of each of these regions.

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Now, I don't suppose that having a member from the RPA or the municipalities on the committee would prevent that happening. I don't think it would contribute to it. It's possible that it could insert some element of politicization in this that it really is not what we're talking about. We're talking about hard nose bargaining and planning by the people who are going to have to deliver the water.

There really is no need to expand the committee to include other groups. Once you begin to do that, then there other groups who say, well we should be there too. The environmental groups, the river shed associations had thought originally that they should be on that committee, too.

Once they understood that this committee was only dealing with utility plans, they realized that there was no need for them to be on and that in fact it might hamper the progress of the negotiations, so I would urgently ask you to defeat this amendment. I think it will do harm to the planning process.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "B"?

REP. BELAGA: (136th)

Mr. Speaker.

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DEPUTY SPEAKER BELDEN:

Rep. Belaga.

REP. BELAGA: (136th)

Thank you, Mr. Speaker. I have very mixed emotions about this amendment. I think for those of us who have worked very hard on this program trying to put together a very comprehensive program for water utilities in the State of Connecticut, this amendment misreads the thrust of the bill.

I have no objection to representation from the regional planning agencies, but in fact if you read the legislation as it exists before you, you will see that the water utility coordinating council is required in four different places to solicit information from both the regional planning agencies and the municipalities themselves.

In all candor, it isn't going to make or break the council unless it, in fact, establishes a precedent that has every other group wanting to participate, and let me tell you what the council is charged to do. The council is made up of those organizations delivering water. They are the deliverers of the water and they are charged to make long range plans.

It is not the municipality, unless it's a municipal

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water company that's going to make the plans. All this is, is saying to the deliverers, you sit down, you make a plan, this is what we expect of you.

Representation from regional planning agency is most likely, except perhaps in my district where we have a regional planning agency that understands water problems, for the most part, regional planning agencies have never dealt with this issue and will have very little to offer.

As I say, I have very mixed emotions. I see it as an amendment from colleagues in my part of the state. I appreciate their concern for input. I think the input is implicit in the bill. It's more than implicit, it's demanded in the bill and so I feel that this amendment, while very well meaning, is really not going to accomplish what these people are attempting to have it do, because they're all my colleagues that are on this, from my part of the state. I'm between a rock and a hard place, so to speak. I think it's an unfortunate amendment. I won't oppose it, but I want you to understand that the amendment is a forced fit in a situation where it is perhaps most inappropriate.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "B"?

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REP. SCULLY: (75th)

Yes, Mr. Scully.

DEPUTY SPEAKER BELDEN:

Rep. Scully.

REP. SCULLY: (75th)

To the proposer of the amendment just to clarify some things in our minds back here, in line 26 when you say public water supply, does that include municipal water companies?

DEPUTY SPEAKER BELDEN:

Rep. Farr, would you care to respond?

REP. FARR: (19th)

I'm sorry, Mr. Speaker, through you, I wonder if you could repeat that question, I'm not sure I understood it.

DEPUTY SPEAKER BELDEN:

Rep. Scully, could you repeat your question, please.

REP. SCULLY: (75th)

Yes, Mr. Speaker, through you, again. Line 26, the last three words refer to public water supply. Does that also mean municipal water companies?

DEPUTY SPEAKER BELDEN:

Rep. Farr, would you care to respond?

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REP. FARR: (19th)

Yes. Through you, Mr. Speaker, I believe public water supply, it says public water supply management area and that includes everything within that area, which would be public water supplies or private water supplies.

DEPUTY SPEAKER BELDEN:

Rep. Scully, you have the floor, sir.

REP. SCULLY: (75th)

In that case, Mr. Speaker, I think I have to speak out against this because what's happened in some areas, we supply to the City of Naugatuck because of a pumping problem, some 1,000 customers at most at some increased cost to us to do it and they would wind up on our committee, our co-ordinating committee. I think that we do this more out of the generosity of our heart. When the Town of Middlebury had a problem with the Timex Corporation, we guaranteed them water to some 25 families and one corporation. Not because we really wanted to, but because there were jobs out there that were important to the whole area.

I don't think that these people should sit on our municipal water board and tell us what to do. This would also include some of the areas of outfall of the water where the water comes into our reservoir system. I think

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this could create a great problem in how we manage what has been a municipal water company which has been a very excellent municipal water company, which has tried to help our surrounding neighbors. I think this is a bad idea at this particular time without further research as to weighted votes and everything else.

REP. RUDOLF: (139th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Rudolf.

REP. RUDOLF: (139th)

Mr. Speaker, I rise in support of the amendment. I'd like to clear up some of the ambiguities and the problems that seem to exist here on this amendment.

As it appeared in the file copy, those representing the committee to be established would not, in any way, represent all of the towns within that region designated by the health commissioner. There seemed to be a great deal of concern on the part of the chief executives of the various communities, the various villages and the various towns in the State of Connecticut that they will not be represented on the committee as designated by the file copy.

This amendment will correct that flaw in the file



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copy. It will give the cities and towns representation, those elected by their chief executive officers.

I hope that clears the air and it will provide a better working committee for all concerned. I urge passage of the amendment.

REP. BERTINUSON: (57th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

This is to just to go back once more and say what this committee is. It's a committee for water utilities to decide how they will meet the needs of their region for the next 50 years. If a town in fact has a municipal water company and is involved, will then be involved in providing water over the next 50 years, then in fact that company is on the committee.

If they are not, then they really at this stage, as far as the plan, have nothing to contribute. Their contribution comes when the water utility coordinating committee goes to them for their input as to how this plan will affect their town, or how it will affect the region. That input is absolutely critical. But it is not part of the development of a water utility plan since

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that can really only be made by water utilities.

Thank you.

DEPUTY SPEAKER BELDEN:

Will you remark further?

REP. RUDOLF: (139th)

For the second time.

DEPUTY SPEAKER BELDEN:

Rep. Rudolf.

REP. RUDOLF: (139th)

The comments of Rep. Bertinuson are well taken with one exception. Those communities that do not have water facilities that will be affected in the future should have a say so in future planning programs. And that is why the great concern, and that is why I support the amendment.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "B"?

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker. Mr. Speaker, I'm going to vote against this amendment at this time. I think as Rep. Belaga and Rep. Bertinuson have pointed out, that there are at least five occasions in the file where this commission has got to consult with the local authorities,

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and I think perhaps the towns at this point, and in addition, they did not make a very strong case for this in the Environment Committee when the bill was before the Environment Committee and at the public hearings as a matter of fact, there was little, if any, support for it then.

What I will say to you is this. Let's vote the bill in now, and if in fact after a couple of years it does prove that the towns are slighted and they are not properly consolidated, they do not feel that they have an input, perhaps then is the time to put some representatives who have put voting authority on. I don't feel that they've made a very strong case at this point, Mr. Speaker, and I'm opposed to the amendment.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further on Hosue "B"?

REP. RUDOLF: (139th)

For the third time.

DEPUTY SPEAKER BELDEN:

Rep. Rudolf has requested permission to speak for the third time. Is there objection? Hearing none, please proceed, Rep. Rudolf.

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REP. RUDOLF: (139th)

Mr. Speaker, just briefly. Rep. Toffany made a point, and that's exactly what I would like to speak to. It's too late after the lines of delineation have been established for a community, for a town to speak up.

I think they should play a major role from the very outset. I think they should have a great concern on the part of their people and their community to decide how their future drinking water supplies are going to affect that community and that community growth, not after the fact, but now.

Thank you, Mr. Speaker, I urge passage of the amendment.

REP. HAUSER: (97th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Hauser.

REP. HAUSER: (97th)

Mr. Speaker, I rise in support of the amendment also. I agree completely with Rep. Rudolf. I'm concerned slightly by the opponents in their concepts of preconceived notions that nothing is to offer, that nothing could be offered by individuals. That's a rather condescending attitude toward elected officials, or people that serve the people in this state.

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I see there's nothing wrong with accountability from public officials, elected officials in this state. I don't know what people are afraid of, but I don't see any reason why elected officials should not be included.

REP. BELAGA: (136th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Belaga.

REP. BELAGA: (136th)

Thank you, Mr. Speaker. I don't think anybody feels that there is no amendment that could go on this bill. In fact, we've already approve an amendment that cut the financing of it quite considerably. I think for those of us who have worked on this bill line by line, it might help you to follow with me if you have the file open, and I will give you chapter and verse where the municipality is, in fact, going to be consulted.

On line 101, it says the committee shall solicit comments from the municipality. On line 110, it says the committee shall solicit comments from the municipality. One line 157, it says the municipality, they shall solicit coment. Again on 161, they shall solicit comment. It is clear and very carefully defined there that in fact, they shall solicit comment.

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You know, it isn't going to be the end of the world, but what you are talking about are mixing apples and oranges. You are talking about those companies that deliver water, requiring them to sit down and make long range plans and come back, and in the process solicit comment from all of the municipalities that are involved. It is as simple as that. It is a requirement to those companies that deliver the service and in Norwalk that will be two municipal water companies.

REP. ESPOSITO: (137th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, I'd like to address a question to Rep. Bertinuson, through you, sir.

DEPUTY SPEAKER BELDEN:

Please frame your question, sir.

REP. ESPOSITO: (137th)

Yes, through you, Rep. Bertinuson. What is, is your bill the current bill 7644. Is that drafted similarly to the Washington proposal?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

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REP. BERTINUSON: (57th)

Through you, Mr. Speaker, I'm not sure if I quite got the question. If Rep. Esposito could repeat it.

DEPUTY SPEAKER BELDEN:

Rep. Esposito, could you repeat your question, sir.

REP. ESPOSITO: (137th)

Well, iz it not, through you Mr. Speaker, is it not that your proposal is supposed to be the same as the "the Washington proposal"?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson, would you care to respond?

REP. BERTINUSON: (57th)

Through you, Mr. Speaker. The Connecticut plan was modeled on the Washington plan with very careful long hard work to tailor it to Connecticut's needs.

DEPUTY SPEAKER BELDEN:

Rep. Esposito, you have the floor, sir.

REP. ESPOSITO: (137th)

Did not the Washington proposal include on the coordinating committee, members of the municipality?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson, would you care to respond?

REP. BERTINUSON: (57th)

Through you, Mr. Speaker. No, it included a

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representative of the counties and their role, and again, that was one of the reasons why we originally thought municipalities should be on here. We misread that.

The role of the county, since we do not have counties, or at least to any extent in Connecticut, the role of the county on the water utilities coordinating committee, corresponds to the role that the Department of Public Health Services plays in the Connecticut plan. That is, as an initiator to get the ball rolling, but not as an active participant in the planning. They were there simply to be a facilitator as DOHS will act in the case of the Connecticut plan so that is the difference.

But the municipalities themselves are not represented on the coordinating committee.

DEPUTY SPEAKER BELDEN:

Rep. Esposito.

REP. ESPOSITO: (137th)

Through you, Mr. Speaker. Is it not so that the counties are the same as our regions? Other areas of the states have what they call counties and here we have regional boards. Are they not the same?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson, would you care to respond?



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REP. BERTINUSON: (57th)

Through you, Mr. Speaker. Clearly, they're similar. They're not the same. And since, as in many states, the county is the actual level of government closest to the people, since large tracts of unincorporated land in the state like Washington, but even taking that, even that aside, they take the role that's played by DOHS here, there's no need to put somebody on for an initiator because we have given that role more appropriately in Connecticut to the Department of Health Services since we simply don't have that county layer of government.

REP. ESPOSITO: (137th)

Thank you.

DEPUTY SPEAKER BELDEN:

Rep. Esposito, you have the floor, sir.

REP. ESPOSITO: (137th)

Thank you. I rise in support of this amendment. I think this amendment clarifies what a part of the original bill that I believe was left out of the bill, and that is to have regional members participate in the well being and the decisions of the water supply companies. Thank you, Mr. Speaker.

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REP. HAUSER: (97th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Hauser.

REP. HAUSER: (97th)

For the second time, sir. I would just like to respond to some of the comments that this is, those people who have tried to minimize the impact of this. I would draw everyone's attention to the OLR report and say simply that if you read that, it is extremely far-reaching and I do not feel comfortable eliminating accountability by elected officials or representatives of those elected officials in an area that deals with establishing boundaries of water companies, establishing exclusive service areas, in effect creating a monopoly for the existing facilities now.

I do not feel very comfortable having people that are controlling an industry set the restrictions and control themselves. It is bad business. It is bad government.

DEPUTY SPEAKER BELDEN:

Will you remark further?

I would caution the Chamber. We've probably been on House "B" now for about a half an hour. The issue is

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very clear. You either have municipality representation or you don't. Rep. Rybak.

REP. RYBAK: (66th)

Thank you, Mr. Speaker. You are indeed correct. The issue is clear. It all comes down to which end of the pipe you're on. If you're on the receiving end, or you're on the utility end of the pipe, then you don't want the municipalities on there that are servicing or providing your water.

If you're on the other end, then you want the input. It's a very clear issue. In Washington they don't have every square inch of their territory incorporated in townships as we do, and that's why counties are there. In Connecticut, the towns should be represented. I urge that we get on with the vote and I ask that when the vote be taken, it be taken by roll call.

DEPUTY SPEAKER BELDEN:

Request is for a roll call vote on House "B". I will try your minds. All in favor of a roll call vote please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

The twenty per cent rule has barely been met.

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A roll call will be ordered at the appropriate time.  
Will you remark further on House "B"? If not, staff  
and guests please come to the well of the House. An  
immediate roll call is ordered. Clerk will please announce  
a roll call.

CLERK:

The House of Representatives is now voting by  
roll call. Will all members please return to the Chamber  
immediately. The House of Representatives is now voting by  
roll. Will all members please return to the Chamber so  
that their vote may be properly recorded.

DEPUTY SPEAKER BELDEN:

Have all the members voted? Please check the  
board to determine if your vote is properly recorded.  
Have all the members voted? The machine is still open.

The machine will be locked.

The Clerk will take a tally.

REP. FOLEY: (131st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Foley.

REP. FOLEY: (131st)

In the affirmative, please, sir.

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DEPUTY SPEAKER BELDEN:

Rep. Foley of the 131st in the affirmative.

REP. MIGLIARO: (80th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Migliaro.

REP. MIGLIARO: (80th)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Migliaro of the 80th in the affirmative.

REP. ELLIOTT: (44th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Elliott.

REP. ELLIOTT: (44th)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Elliott of the 44th from the negative to the affirmative.

REP. GAGNE: (51st)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Gagne.

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REP. GAGNE: (51st)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Gagne in the affirmative.

REP. LUGO: (130th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Lugo.

REP. LUGO: (130th)

In the negative, please.

DEPUTY SPEAKER BELDEN:

Rep. Lugo of the 130th to the negative.

REP. POLINSKY: (38th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Polinsky.

REP. POLINSKY: (38th)

In the negative, sir.

DEPUTY SPEAKER BELDEN:

Rep. Polinsky of the 38th to the negative.

REP. BELAGA: (136th)

Mr. Speaker?

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DEPUTY SPEAKER BELDEN:

Rep. Belaga.

REP. BELAGA: (136th)

This is madness, but if this is going to go on the Senate and has to come back downstairs, this legislation is much too important to fool around with this issue. --

DEPUTY SPEAKER BELDEN:

We cannot debate the bill while we're voting.

REP. BELAGA: (136th)

Change my vote to the positive.

DEPUTY SPEAKER BELDEN:

Rep. Belaga of the 136th from the negative to the, ah, from no to yes.

REP. FARR: (19th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Farr.

REP. FARR: (19th)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Farr of the 19th from the negative to the affirmative.

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REP. EMMONS: (101st)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Emmons.

REP. EMMONS: (101st)

Thank you. Rep. Emmons from the negative to the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Emmons of the 101st from the negative to the affirmative.

REP. SCHLESINGER: (114th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Schlesinger.

REP. SCHLESINGER: (114th)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Schlesinger from the negative to the affirmative. Of the 144th.

REP. BIAFORE: (125th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Biafore.



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REP. BIAFORE: (125th)

To the negative, please.

DEPUTY SPEAKER BELDEN:

Rep. Biafore of the 124th from the affirmative to the negative. 125th, excuse me.

REP. BENSON: (90th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Benson.

REP. BENSON: (90th)

From the negative to the positive, please.

DEPUTY SPEAKER BELDEN:

Rep. Benson of the 90th from the negative to the affirmative.

REP. COLLINS: (117th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Collins.

REP. COLLINS: (117th)

In the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Collins from the 117th from the negative to the affirmative.

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REP. TUREK: (43rd)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Turek.

REP. TUREK: (43rd)

From the negative to the affirmative, please.

DEPUTY SPEAKER BELDEN:

Rep. Turek of the 43rd from the negative to the affirmative.

REP. STOLBERG: (93rd)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Stolberg, would you care to change your vote?

REP. STOLBERG: (93rd)

I'm tempted to; everybody else is. No, I'm just raising a point at this point, and that point is that in the past when the votes have changed, I've noticed the totals at the top of the machine have changed. I'm wondering why they are not changing now.

DEPUTY SPEAKER BELDEN:

If we were to delay for a period of time, Rep. Stolberg, I am told that the vote would catch up and show

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correctly on the machine. As we keep continuing to put them in, it does not catch up.

REP. STOLBERG: (93rd)

My only point is, Mr. Speaker, on other votes when individuals have changed, I've noticed the vote totals have been almost immediately afterwards at the top.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg, your point is to some degree well taken; if, in fact, the machine was handled in a duplicative type way, each vote could in fact be recorded, certain buttons could be pressed, the machine total would then change. It could go on and on and on. As they are rapidly putting these changes in votes in, they are not going through the whole process. If you would like, we will bring it up to date right now.

We are still in the pendency of a vote. Are all members' votes properly cast?

REP. STOLBERG: (93rd)

Mr. Speaker, I think Rep. Torpey is seeking your attention.

DEPUTY SPEAKER BELDEN:

Rep. Torpey.

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REP. TORPEY: (11th)

To the negative, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Torpey of the 11th from the affirmative to the negative.

REP. ADAMO: (116th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Adamo.

REP. ADAMO: (116th)

From the affirmative to the negative, please.

DEPUTY SPEAKER BELDEN:

Rep. Adamo of the 116th from the affirmative to the negative. Have all the members voted? The machine will be locked. The Clerk will take a tally.

Correction. The Speaker previously had the machine locked. The Clerk will please announce the tally.

CLERK:

House Bill 7644 on Amendment House "B".

Total Number Voting	147
Necessary for Adoption	74
Those Voting Yea	75
Those Voting Nay	72
Those Absent and Not Voting	4

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DEPUTY SPEAKER BELDEN:

House "B" is passed and ruled technical.

\*\*\*\*\*

House Amendment Schedule "B".

Strike out lines 82 to 85, inclusive, in their entirety.

In line 86, strike out "management area" and insert the following in lieu thereof:

"(b) A water utility coordinating committee shall consist of one representative from each public water system with a source of water supply or a service area within the public water supply management area and one representative from each regional planning agency within such area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. "

In line 193, after "unless" and before "an" insert "(1)"

In line 194, after "service" and before the period insert the following: "or (2) the committee recommends such approval"

\*\*\*\*\*

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill as amended?

REP. BERTINUSON: (57th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

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REP. BERTINUSON: (57th)

With the earnest hope that we haven't just undone two years of hard work, I would still move for acceptance and passage of the bill.

DEPUTY SPEAKER BELDEN:

Thank you, ma'am. Will you remark further on the bill as amended?

REP. SCULLY: (75th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Scully.

REP. SCULLY: (75th)

Mr. Speaker, in view of the passage of the last amendment, which I think number one, does not really reflect upon past practice of this General Assembly or past practice of any town or regional authority. What it's doing is really failing to take into consideration the foresight shown by our forefathers in developing their own water system, especially in a municipal area, and saying that because they were ahead of their times, because they did think about what they were doing for their citizens, that we are now going to punish those that come later.

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I think this is absolutely wrong, I do not think it's the way to handle things, and I would recommend a vote against this bill, although it does have many meritorious parts to it.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill? If not, Rep. Arthur?

REP. ARTHUR: (42nd)

I would like to ask a question of Rep. Bertinuson, about the plan, once it's developed, if I could please, sir, through you, sir.

DEPUTY SPEAKER BELDEN:

Please frame your question, sir.

REP. ARTHUR: (42nd)

Does the plan that I understand will be developed have any legislative approval at all?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson, do you care to respond?

REP. BERTINUSON: (57th)

Through you, Mr. Speaker. I'm not sure if you mean the individual regional plans. I would reiterate that these are the plans of water companies which are now developed. We now require water companies to develop a

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long range plan. We have no input in that, and they submit it to the Department of Health Services, which approves it.

This new plan will simply be a coordination of those plans which will be submitted to the Department of Health Services for their approval. There is no legislative input in approving water company plans that they come under the jurisdiction of the Department of Health Services and will continue to.

DEPUTY SPEAKER BELDEN:

Rep. Arthur, you have the floor.

REP. ARTHUR: (42nd)

Another question, then. If, in fact, in my town a vast majority of people are on wells, but there are water supplies in my town and now you're saying someone outside my town is going to decide how that water's going to be used?

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

Through you, Mr. Speaker. If your town does not have a public, is not now on public water, there's no reason that it would be put on public water. The planning



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committee can do nothing but put their plans together. Any decision as to whether there will be a new water company move in will go through exactly the same kind of permitting procedure that it does now. This does not change that.

What could happen, in a town for instance that has no public water supply, what we have found in my part of the state is that the towns where you end up suddenly with 40 or 50 or 100 or 200 wells that are no longer usable, and no public water supply, you are in serious trouble. What a long range plan hopefully would do would be aware of that problem and have some contingency to move to, should any kind of widespread contamination, which is a very real threat that we see in the future, should that happen in the future, but certainly any takeover of supply water would be exactly the way it's done now. It would go through the same permitting procedure. It would just be, we hope, a little better planned.

DEPUTY SPEAKER BELDEN:

Rep. Arthur, you have the floor, sir.

REP. ARTHUR: (42nd)

I believe that water and the supply of water to

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our state is one of our most valuable assets and that we do, in fact, need a plan to insure that we have a continued supply of water. This bill may have some flaws that we can pick out and we'll certainly be back here every year in legislative session and we can change those if that becomes necessary, but I absolutely agree that we must have a plan for this very valuable asset.

DEPUTY SPEAKER BELDEN:

Will you remark further?

REP. BELAGA: (136th)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Belaga.

REP. BELAGA: (136th)

One last comment, certainly from me, anyway. I can't help but echo Rep. Tiffany's comment this is in fact the important piece of legislation that comes out of the Water Task Force on which I've served for two years and it's been an extraordinary job that very dedicated people have worked awfully hard on it, and it came as a response to the terrible problems that we are having in the delivery of water in the state of

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Connecticut. This is the attempt to make this state come into the 20th Century as it addresses the question of the delivery of water. It is a very well defined piece of legislation and I urge your support.

REP. ROCHE: (142nd)

Mr. Speaker?

DEPUTY SPEAKER BELDEN:

Rep. Roche.

REP. ROCHE: (142nd)

A question, through you, to Rep. Bertinuson.

DEPUTY SPEAKER BELDEN:

Please frame your question, ma'am.

REP. ROCHE: (142nd)

Thank you. Rep. Bertinuson, the subsurface water, this is for legislative intent, the subsurface water of any town, how does this come into play with the establishment of this act? --

DEPUTY SPEAKER BELDEN:

Rep. Bertinuson.

REP. ROCHE: (142nd)

How is that done?

DEPUTY SPEAKER BELDEN:

Excuse me. Would you care to respond?

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REP. BERTINUSON: (57th)

Through you, Mr. Speaker. Subsurface water, this does not affect the way the state of Connecticut treats subsurface water. To tap a new source of subsurface water is a water diversion under the definition in our law, which is any change in the instantaneous flow of water, even groundwater or surface water, so that that would continue to be regulated as it is now by the diversion legislation would require the full permit process of under the diversion law.

This does not really change, or make any change in that.

REP. ROCHE: (142nd)

Thank you.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill? If not, staff and guests please come to the well of the House. An immediate roll call is ordered. The Clerk will please announce the roll call.

CLERK:

The House of Representatives is now voting by roll call. Will all members please return to the Chamber immediately? The House of Representatives is

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now voting by roll. Will all members please return to the Chamber immediately to see that their votes are properly recorded.

DEPUTY SPEAKER BELDEN:

Have all the members voted? Please check the board. There's no need to run, ma'am, no need to run. Please check the board to see if your vote has been properly recorded.

The machine will be locked. The Clerk will take a tally. Clerk, please announce the tally.

CLERK:

House Bill 7644, as amended by House "A" and House "B".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	138
Those Voting Nay	8
Those Absent and not Voting	5

DEPUTY SPEAKER BELDEN:

The bill as amended is passed.

DEPUTY SPEAKER BELDEN:

The Chair would like to make an announcement concerning our activities for the balance of the day.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1985

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700-1057



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TECHNICAL SESSION  
MARCH 28, 1985

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Human Services, House Bill 6218, AN ACT CONCERNING AFDC  
AND WORK INCENTIVES FOR FULL TIME STUDENTS. Referred  
to Appropriations.

Environment, Substitute House Bill 6536, AN ACT CONCERN-  
ING AN APPROPRIATION FOR MAINTAINING THE NATURAL  
DIVERSITY DATA BASE. Referred to Appropriations.

Environment, Substitute House Bill 7115, AN ACT CONCERNING  
FINANCIAL ASSISTANCE FOR INDUSTRIES SEEKING TO RECYCLE  
OR REDUCE HAZARDOUS WASTE PRODUCTION. Referred to  
Appropriations.

Environment, Substitute House Bill 7644, AN ACT CONCERN-  
ING A CONNECTICUT PLAN FOR PUBLIC WATER SUPPLY  
COORDINATION. Referred to Public Health

End of Agenda

THE CHAIR:

Does the Clerk have further business?

THE CLERK:

No Madam President. The Clerk has no further business.

Senator Matthews.

SENATOR MATTHEWS:

I move the Senate adjourn subject to the Call of the  
Chair.

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announcement for an immediate Roll Call.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Calendar 894, Substitute for House Bill 6298, File 1094, as amended by House Amendment, Schedules B, C, and D. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

26 YEA

10 NAY

The Bill is adopted.

THE CLERK:

Page 5, Calendar 898, Substitute for House Bill 7644, File 1093, AN ACT CONCERNING CONNECTICUT PLAN FOR PUBLIC WATER SUPPLY COORDINATION, as amended by House Amendment, Schedule A and B, Favorable Report of the Committee on Appropriations.



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THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move acceptance of the Committee's Joint Favorable Report and passage of the Bill as amended by House Amendment, Schedules A and B.

THE CHAIR:

Will you remark?

SENATOR BENSON:

Yes Mr. President. This is the main Bill that has evolved from the Water Resources Task Force. What this does is it has the state divide up into between eight and ten regional water utility coordinating committees of which any water utility within that region will have a vote on a committee. They elect a chairman and as amended by House Amendment, Schedules A and B, there will also be input from the regional planning agency and \$75,000 has been removed from the Appropriations for Lake Wauremaug. If there is no objection I would move this item be placed on the Consent Calendar.

THE CHAIR:

Senator O'Leary, followed by Senator Markley.

SENATOR O'LEARY:

Thank you Mr. President. The only questions I have

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are on House A and B. House A in particular is difficult to follow and I haven't had the opportunity to match it up with the Bill.

THE CHAIR:

Senator Benson, you wish to explain House A and B?

SENATOR BENSON:

| As to which one is which, whether they be House A or B, the first Amendment that I will explain brings in the regional planning agencies at each regional planning agency within a water utility coordinating committee will have a representative on the Water Utility Coordinating Committee.

The other Amendment changes the appropriations so that there was sufficient funding for Lake Wauremaug.

THE CHAIR:

Further remarks? Senator O'Leary.

SENATOR O'LEARY:

I'm sorry. On the other Amendment, it changes the funding so there's sufficient funding for--did I hear that famous name of Lake Wauremaug; is that what I heard?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President, to Senator O'Leary, yes,

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that's correct. I did have--through you also, Mr. President, I had a conversation today with some key members of the Water Resource Task Force specifically Representative Bertinuson and she rendered the opinion that this would not in any way impinge or create any difficulties for implementation of the Connecticut plan.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. Are we increasing the funds for this beautiful body of water or are we decreasing the funds?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Actually I think it's just to allow sufficient amount of funds within the present budget structure for Lake Wauremaug as it was presented to us. That's \$75,000.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you. I'm just a bit confused. I remember we had all splashed in Lake Wauremaug for about an hour sometime last week--

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THE CHAIR:

I think your memory is correct.

SENATOR O'LEARY:

And I thought that there was some money involved at the time on Lake Wauremaug. Am I correct on that? Was there money in the previous debate on this issue there was a Bill--there was Lake Wauremaug and there were dollars; am I correct on that?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

I think if I--through you Mr. President to Senator O'Leary, if I recall correctly, they did say that there was going to be a Bill that the money was going to be taken from and apparently this was the one that was selected.

SENATOR O'LEARY:

I see. Thank you. I think what I'm hearing then--that's right. I raised a question about a week ago as to whether or not the money was in the budget and you said we were going to take money away from another Bill and that would put the money in for Lake Wauremaug and we've just removed Lake Wauremaug funding from the Bill before us so now the budget remains in balance; is that

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correct?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you to Senator O'Leary, that's correct.

SENATOR O'LEARY:

Thank you very much.

THE CHAIR:

Senator Markley, followed by Senator DiBella.

SENATOR MARKLEY:

Thank you Mr. President. I just want to direct a few questions to Senator Benson through you.

THE CHAIR:

You may proceed.

SENATOR MARKLEY:

Senator, as I understand it, the--who would be represented on the board that would be made up to start to set up a regional plan? What water companies and what different people would be on the board?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President, to Senator Markley, they are representatives from a water system from each water

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system that operates and there are particular parameters outlined in the Bill as to how many customers that that particular water company would serve and public water system means any private municipal or regional utility supplying to 15 or more service connections or 25 or more persons. Also, as the Amendment before us from the House, it also involves a representation from a regional planning agency as well.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Through you Mr. President, then the size of a water company wouldn't give it any more representation on the board, as long as it met the minimum criteria each water company that was on the board would have an equal voice in the decisions that the board made?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President, to Senator Markley, that's correct.

THE CHAIR:

Senator Markley.

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SENATOR MARKLEY:

Through you Mr. President, how binding would the decisions of the board then be once they made their recommendations down the road? Would it be possible for a water company that had participated on the board to then come back and say we simply don't like the decision that was reached by our group and we won't abide by it?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

There is--through you Mr. President to Senator Markley, there is a public hearing process. When it comes to adopting regulations for what water utility coordinating committees come up with in terms of their recommendations to the State Department of Health Services so that there is potential for input from those water companies in the public hearing process, if there is something that they specifically disagree with.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Through you Mr. President, but then the water companies themselves can't break out of the covenant after the decision has been reached, nor is there any appeal

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process for them.

SENATOR BENSON:

Through you Mr. President to Senator Markley, through the Administrative Procedures Act there would be appeal available as well.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

I just had a concern that was voiced to me by representatives of the city of Waterbury on behalf of the Water Department there that they feel that they've done a good job with the water situation, that the city is well supplied and they're concerned about other regions perhaps taking advantage of our good fortune in Waterbury and our own loss. Do you think that this is a problem we need to worry about or do you think that our fears are unfounded?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Markley, I say your concern is a genuine one but it's probably not well founded because the Department of Health Services would be charged in this situation to make sure that all



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factions are represented in protection of water resources and they would, under no circumstances, allow a compromise of Waterbury's situation just for other concerns within that region.

THE CHAIR:

Senator DiBella, you wish to be heard? Senator DiBella.

SENATOR DI BELLA:

I'll yield to Senator Santaniello.

THE CHAIR:

Senator Santaniello.

SENATOR SANTANIELLO:

Through you Mr. President, thank you Senator DiBella. Question to Senator Benson. Page 3 of the Bill, line 82, 83, 84 and 85, a question--it says a water utility coordinating committee shall consist of one representative from each public water system with a source of water supply or a service area within the public water supply management area. I am confused by this wording and to the effect that what constitutes a service area within the public water supply management area.

THE CHAIR:

Senator Benson.

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SENATOR BENSON:

Through you Mr. President to Senator Santaniello,  
it would be a water utility that services within the  
region as delineated by the Department of Health Services.

THE CHAIR:

Senator Santaniello.

SENATOR SANTANIELLO:

The second thing, something--through you Mr. President  
to Senator Benson, another one of my fears or that I'd  
like to have alleviated or answered, where you have a  
larger company in an area and they own several subsid-  
iaries, does this give them one vote for each subsid-  
iary? Or is it considered as one water system?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Santaniello,  
I would consider that that distinction would be made on  
with rate making process goes. If each of the individual  
units actually appealed to the DPUC for rate making pur-  
poses independently, then they would be considered  
independent systems.

THE CHAIR:

Senator Santaniello.

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SENATOR SANTANIELLO:

Yes, I'd like to speak on this. One thing that concerns me, the purpose of giving the regional planning areas a vote in this was to allow the towns to be represented. Originally there was an Amendment drawn up that thought that your towns should have been represented but they found out that it was too cumbersome to have one representative from each town and the sub-regional areas on this board.

They went ahead and they adopted an Amendment which stated that a regional planning area in that board, one member for that board, would be elected by the officials of that town they were representing or that series of towns within their planning area, but they only have one vote.

To me, it seems that the towns were shortchanged on this. It would be more fair and more appropriate if they were going to have one representative from a regional planning area to represent the towns and his vote should be weighted. It should be weighted and he should be allowed to vote whichever way the town had. Now, if there was 5 towns in that region there and there were 3 in favor of it and 2 against it, then he should be allowed to cast his vote as three and two. This is one

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thing that bothers me about the Amendment.

The other thing I'm disturbed about is the interpretation of your votes that would be broken down by water department or water company that owns several subsidiaries, even though they have independent rates on it. The controlling stock is still by these companies. Their vote is going to go towards the larger water company or to their parent company. This gives the monopolistic control in an area in a region for the larger company.

Now, as I stated before on this Bill, what you've done effectively on this Bill is effectively divided the state up into eight regional areas that will be controlled by eight water companies throughout the state of Connecticut and eventually we'll have total control. This is a bad precedent, bad precedent. If they go into what they call a rate equalization it would be more acceptable to me. A rate equalization simple states that as water company A owns or controls five or six water companies on there, that they would average out their rate for the entire area and make it one rate.

But I see this isn't so in this Bill here and I'm afraid what we're doing here gentlemen is we're setting up a water baron situation similar to our railroad barons in our recent--in our history in our western history.

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It's a very, very dangerous precedent to establish. The Bill is good but the things that I pointed out to you are the big dangers of the Bill. You're setting up a monopolistic control of your water supply and that is NG. I'm not going to urge rejection of the Bill. I'm just going to leave it up to the conscience of the members here of the Committee.

THE CHAIR:

Will you remark further? Senator DiBella.

SENATOR DI BELLA:

Thank you Mr. President. Through you to Senator Benson, I find House A, I can't find House B that talks about Lake--Wauremaug. Could you enlighten me as to the Amendment. I still have not been able to find it. I understand there's \$75,000 allocation. Could you relate to me what the purpose of the \$75,000 is to be used for?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator DiBella, there is no mention of Lake Wauremaug within the Amendment. All it does is decline the amount of money that is appropriated to the Connecticut plan through the various

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agencies in the Bill by the \$75,000 figure.

THE CHAIR:

Senator DiBella.

SENATOR DI BELLA:

Through you Mr. President, to Senator Benson, so you're saying that there's \$75,000 that's being deleted from the purpose of the water task force direction or the water plan for purposes that will be allocated within the Department of Health for other purposes of the Department of Environmental Protection?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President, that's correct.

SENATOR DI BELLA:

Mr. President, I would ask that the Amendments be dealt with separately. Can we split that and vote on Senate A and B? I would not like to be identified with allocating dollars blindly for a purpose that I think taking away from this very vital plan is in the best interest of the people of this state. I'd also ask you, Senator--MR. President, through you to Senator Benson, is there public access to this lake? What is the public access?

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THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator DiBella, I would have to defer to either Senator Eads or Senator McLaughlin on that. I have no--

THE CHAIR:

Senator Eads.

SENATOR EADS:

Thank you Mr. President. Yes, there's quite a state park at Lake Wauremaug.

SENATOR DI BELLA:

Well Mr. President, then through you to Senator Eads, could you relate to us what the \$75,000 is going to be used or expended for?

THE CHAIR:

Senator Eads.

SENATOR EADS:

Yes.

SENATOR DI BELLA:

Seeing that you're up championing the legislation.

SENATOR EADS:

Thank you. I will. We talked about this last week-- Lake Wauremaug and perhaps you will recall that I said

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and also what Senator McLaughlin said was that they were being offered federal funds which had to be applied for immediately and they did not know of the situation until it was too late and therefore it was not included in the DEP's budget or anything else. But we were able to get it out of FAC and it is something that they have been doing for years and the greatest amount that the state has ever put in has been \$55,000. All the rest of the money which goes up to the 100,000 has been raised locally by private funds.

There are three towns that also donate to this. There's Kent, there's Washington and there's Warren and the project they're doing is scientifically so that it will help all the lakes, not only in the state of Connecticut but throughout our nation so we felt that it was very worthwhile to at least try and give them the \$75,000 so they could get matching funds from the federal government.

THE CHAIR:

Further remarks? Senator DiBella, you were suggesting and I didn't know whether or not you were making it in the form of a motion that we vote separately on House A and B? Senator DiBella.



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SENATOR DI BELLA:

Thank you Mr. President. Could I pass on that and read the Amendment and then--

THE CHAIR:

Sure. The Senate will stand--in the meantime, Senator Upson, do you wish to make some remarks?

SENATOR UPSON:

Yes, I do, Mr. President.

THE CHAIR:

Proceed.

SENATOR UPSON:

To--through you Mr. President, to Senator Benson. The Metropolitan District Commission which was formed several years ago, I believe, by act of the state legislature--I'm not sure, with the approval of several towns, how for example, would this effect such a district?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Upson, if I understand your question, you have a total new entity that's considered a water company; is that correct?

THE CHAIR:

Senator Upson.

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SENATOR UPSON:

Mr. President, through you to Senator Benson, the Metropolitan District Commission is a water--takes care of the entire water supply for Hartford and the environs and was set up several years ago, maybe Senator DiBella could tell us more about it, but anyway--and it covers many different towns. I'm wondering, for example, your legislation here today, how would that effect such a District?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Upson, if that is a conglomeration of several different water companies which I believe it is, those individual water companies would have a vote each within the region which would have cognizance.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Mr. President, through you, it is one district. It's one--it's not a water company; it's a water district. I guess my other--even though maybe someone will edify us on that later on, for example, now take the Waterbury

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water system which we're interested in which was set up oh, in the late--I don't know, 1870's, 1880's and several towns buy water from them, besides obviously Waterbury. This legislation would essentially diffuse or limit a town or a city such as Waterbury's say in its water supply; is that correct?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you to Senator Upson, potentially you would say there is somewhat of a limitation but it would all, of course, depend upon how significantly those numbers of water companies that are presently coordinated in that effort in terms of their numbers and representation on the region. I wouldn't know how many of those companies represent the majority for instance in the region that would be established in the water area.

SENATOR UPSON:

Mr. President, through you, the Waterbury--to Senator Benson, the Waterbury system is a municipally run--it's not a water company but a municipal system. It would seem to me--which has been in existence for years, is well run and was an example of great engineering achievement. It would seem to me that this plan of yours, not

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yours, but your Committee's, will sufficiently take away or has potential for taking away, because it says here that within six months a district must be set up by the Department of Environmental Protection, the Health Services and the Public Utility Control Commissioner and although it's needed, I think, in several areas, there are certain existing areas that have the capacity, that have the knowledge, that are doing the job. I think this legislation sufficiently steps on their toes.

What I would seek would be those areas that are not adequately covered with a water plan and leave alone the areas such as the Metropolitan District Commission, the Waterbury water system and certain of the other big cities which have adequate supply, which have adequate management and which are providing a service which in effect, you are going to dilute and negate by this legislation.

THE CHAIR:

Senator DiBella.

SENATOR DI BELLA:

Thank you Mr. President. I will try to shed some light on some of the questions that Senator Upson raised. Obviously I think that he's talking about the autonomy of water districts such as the Municipal Water District

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in Waterbury, the Metropolitan District Commission which represents probably 17 to 18 towns in the Greater Hartford area and serves 500,000 people with water who have done some long term planning from an engineering standpoint and water resource planning and I think the issue that's being raised is what happens to that good planning? Is that something--that that good planning is substituted now for political expediency in trying to resolve a water problem?

I sat on that water task force and I think that we've got to be realistic in this state, that water resources are probably the most important single element that we have in that the development of this state is going to depend upon and in light of what's gone on in terms of the inundation in the well systems that we're finding in the state of Connecticut, I think what we're going to be faced with is pooling those resources because I don't think anybody ultimately owns those resources, just because they develop them. I think it was good planning on some municipalities' part but if we're going to grow as a state, and one of the key and critical elements of this is to bring together regions to plan 50 and 100 years in advance to preserve and protect those water resources and I know the Metropolitan District Commission

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wholeheartedly supported this legislation, wholeheartedly supports the utilization of very scarce resources and bringing them together in a region. Ultimately the Department of Health Services is going to make those hard decisions but I think by bringing cooperative agencies and water districts and water--regional water districts together in a planning process is going to be in the best interests, long term, for the people of this state in assuring that everybody in this state has the kind of quality and the kind of scarce water resources that we're going to need for future development so that the Metropolitan District for one, the largest public regional water system in the state of Connecticut wholeheartedly supports this legislation and well realizes that maybe some of the autonomy that we have now will be jeopardized, but for the betterment of everybody in the state--because we all own the water resources even the large towns and the MDC draw off a watershed that is also in other geographical areas so I think that's the key and we've got to look at this as a resource that we all need in the state of Connecticut.

THE CHAIR:

Senator Giulietti, followed by Senator Eaton.

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SENATOR GIULIETTI:

Senator Benson, I look here reading the OLR report. I see that after a water utility coordinating committee has been established, no new public wa ter systems may be approved for that management area unless an existing system is unable to provide service. My question is why is that in there? Why do you want to stop new public sources of water? In my opinion, that's always good. The more water systems we have the better. If there's ever any problem with one, you have a back-up system so personally I think that as something very negative.

Like I just mentioned, the more water systems we have the better. It gives us more fall-back systems; if ever a system is polluted we have more and more testing today. We can--pollutants are more ascertainable today--now than ever so I think that is potentially dangerous, limiting the potential public--new public wa ter systems.

THE CHAIR:

That's not a question. It's just remarks that Senator Giulietti--

SENATOR GIULIETTI:

No, it is a question, to Senator Benson.

THE CHAIR:

All right. Do you want to respond to that please?

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SENATOR BENSON:

Thank you Mr. President. Through you to Senator Giulietti, quite simply, the feeling of the water resources task force was that there are 700 water companies within the state of Connecticut and really represent a very hodge-podge coordination amongst them for water supplies and what happens is that the economic viability of a great majority of those water companies is suspect and what we have to do is to take a look now at maintaining quality water companies that first of all, will do the proper testing to ensure that that water is of the highest quality that's delivered to their customers and provide the utmost of a resource and at the least possible cost.

THE CHAIR:

Senator Giulietti.

SENATOR GIULIETTI:

Mr. President, to Senator Benson, doesn't this in a case, set up--have less competition and maintains exclusivity and essentially make a grandfather situation?

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Giulietti, we



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have passed already a half a dozen bills relative to the water resources task force and many of those bills actually made it more economically viable for a small water company to be competitive within the state of Connecticut. We have addressed that situation. What we are basically saying is that 700 water companies is about enough. Many of the water companies now are going out of business. It's not like water companies are on the incline by any means.

THE CHAIR:

Senator Giulietti.

SENATOR GIULIETTI:

Mr. President, to Senator Benson, in response to my question would this specific piece of legislation, it would make it more exclusive, the water companies we have now and tend to make a grandfather situation? As far as public water companies are concerned.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Through you Mr. President to Senator Giulietti, if I understand your question, I believe you would be accurate that the present owners will be the owners. They're

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grandfathered in, if you will.

SENATOR GIULIETTI:

Thank you.

THE CHAIR:

Any further remarks? Senator Giulietti?

SENATOR GIULIETTI:

For that concern there's a lot of merit in this Bill and for that reason though I am going to vote against this Bill.

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Thank you Mr. President. I rise to associate myself with what I believe are the remarks of Senator DiBella and support the Bill as moved by Senator Benson.

A phrase that Senator Benson just used, I think is being overlooked thus far in the debate and that is that the purpose of this Bill is to assure the highest quality of water is delivered to customers. I don't think that this is a time nor a Bill in fact, in which potentially narrow and provincial arguments should be used against legislation and I'd like to point out to subsection f, Section 2 on page 2 of the Bill itself and if I may, by your leave, just read a portion, a very short portion of

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that to you. It defines coordinated water systems plan as meaning the individual water systems plan of each public water system within a public water supply management area and followed shortly thereafter, an area supplement to such plan is developed pursuant to, etc., etc., etc.

So I think by its very definition the interests of local water companies, regional water companies, multi-subsubsidiary water companies, water companies of all sizes, shapes, stripes, water quality, water purity will be included in this legislation and have the respect of the legislation as it was drafted.

Finally, I had the privilege, just before taking office, of attending a statewide water quality conference in East Hartford and I will confess to you that I knew very, very little about water quality before that date and learned a great deal at that conference. The most important thing I think of all is that refers to what was stated here earlier, is that the water under the ground and that hopefully comes up through a lake or a well or any kind of water system is not mine; it is not yours; it's not one town's or another town's, but it's all of ours. It's a critical, vital human need and resource and one of the problems, one of the very problems

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that exists is that we are treating it provincially; we are treating it narrowly and that has caused problems. In my own district, in one of the smallest towns in the state of Connecticut, the town called Durham, there was a public water company that had, oh, less than two dozen members, many of whose wells are today polluted.

The water company went out of business, public lines are someday going to be there to serve those people but right now, they're drinking bottled water or they're bringing in tanks. They're standing alone with no answers to their particular needs, yet they have neighbors who don't have those problems. If ever there was a time for cooperative plans; if there was ever a time, as Senator Benson has stated and that this Bill would provide to get together on a regional basis in a cooperative spirit, this is it and I urge passage of this Bill and the Amendment thereto.

THE CHAIR:

Senator, this is for the third time and it's with leave of the Senate you may proceed.

SENATOR DI BELLA:

Mr. President, I have no problem with the Amendment being split. I'll vote for the 75,000 the way it stands. Thank you.

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THE CHAIR:

Further remarks? Clerk please make an announcement for a Roll Call.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Calendar 898, Substitute for House Bill 7644, File 1093, as amended by House Amendment, Schedules A and B. The machine is open. Please record your vote. Has everyone voted? Senator Avallone. Senator McLaughlin. The machine is closed. Clerk please tally the vote.

The result of the vote:

31 YEA

3 NAY

The Bill is adopted. The Senate will stand at ease.

Senator Santaniello, you wish to be recognized?

SENATOR SANTANIELLO:

Yes. I was out of the room on--when they voted on Resolution 31, Calendar 906--I'm sorry, Calendar 894,

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REP. BELAGA: (continued)

to be able to cease and desist, is going to have the policy to require that local communities consider water when they are doing their planning and zoning. 7630 is part of the water company and allows the Department of Health Services to reclassify water, water company lands, that are no longer needed for protection and 7644, is the measured product of the task force and it calls for what we will know in the future as the Connecticut Plan and that is very large and a major responsibility to the Department of Health Services for the coordination of that program and it is for that reason that numbers of us who served on the task force felt very great concern that the Department of Health Services is being given and will be given additional responsibilities as a result of this whole packet of bills and that there has got to be some way in which the public can identify who is in fact in charge.

I have a bill that, unfortunately, got sent to the Health Committee and not to this committee and it calls for the (HB 5576) implementation of a Bureau of Water in the Department of Health Services and I think if you take out just a plain old fashioned phone book and look under the Department of Health Services, you'll see that there is no where there that anybody could figure out who to go to in that department to deal with questions that relate to water so that is one of the unresolved questions that came from this task force. I am throwing it out to you because it is clear that something has got to be done to address the question of alerting the public and alerting those people who are going to be dealing with these very comprehensive issues as to where they go in the bureaucracy and right now it is simply a hodge podge and no one knows and one of the projects that we had when we took on this whole projects was to deal with that oftentimes patchwork quilt and we have not in fact dealt with this if we don't have someplace in the bureaucracy where the public can go to address questions that they have, to have questions addressed. So, it isn't addressed in any of these bills. There is a bill calling for a Bureau of Water in the Department of Health Services. I know people will speak for and against that but we have got to resolve it and I'm going to drop it in your lap. I like the bureau and I will leave it to you to deal with it from here on in. I'm not going to argue with Rep. Bertinuson about this.

MR. WAGENER: (continued)

is going to open spaces so DEP is not in a position to evaluate these water company lands that come on the market and propose their acquisition because there aren't any funds available for the acquisition and it's a major gap in the policy that was established in 1977 and with legal reclassification for the sale of land, there would be much more frequent sales of land and what we have is we're facing an increase in land sales and a decrease in acquisition money. There are some people testifying today who will talk more about the legislation and how it would work. I just wanted to bring you up to date on the history of it.

REP. TIFFANY: Thank you. Any questions? Before we call the next speaker, would a couple of you gentlemen please -- I'm getting claustrophobia in here and it's going to get hotter than hell to boot. Would you push those dividers back. Thank you.

I would ask officials to be brief and succinct as we will be hearing first from the legislators and agency heads and then the general public. Dr. Lloyd, you are the next speaker.

DR. DOUGLAS LLOYD: Thank you, Mr. Chairman. I'll be very brief. My name is Douglas Lloyd. I'm from Wethersfield and I'm Commissioner of the Department of Health Services. With me today is the Deputy Bureau Chief of the Bureau of Health, Miss Beth Weinstein. The Environment Committee today is considering a group of bills which will profoundly effect the future supply of drinking water here in the State of Connecticut. A number of these bills which are before you this afternoon are the result of two years of very careful work by the Water Resources Task Force. They are not only proposed solutions to known problems, but also provide a way of preventing future drinking water problems here in Connecticut.

As a physician, I know of the absolute importance of preventing health problems rather than treating them. What you have here before you today are bill designed to treat a patient with minor symptoms and prevent that patient from becoming disabled by a serious disease. I believe the most important bill of this group is Committee Bill 7644, "An Act Concerning a Connecticut Plan for Public Water Supply Coordination". This proposal is a



DR. LLOYD: (continued)

preventive approach which I have virtually described, building on existing state laws and regulations it would require drinking water utilities to work together to formulate regional plans for the provision of drinking water to the public. This approach not only will allow us to spell out who serves which consumers, but specify how they will be served, what alternative source of supply will be used in emergency situations and the Health Commissioner of the State of Washington, who is a good friend of mine, where this approach has been used for many years has spoken very highly of the experience out in Washington and I think that we in Connecticut can benefit greatly from this type of approach here in the state.

I want to make specific reference to lines 137-145. I would recommend that you amend those to make clear that there will be on-going funding necessary to carry out this very important program. We estimate that it may be as long as ten years in which to complete the plan for the entire state and on-going funds should be included for all agencies towards that purpose.

I have additional comments, Mr. Chairman, on Committee Bill 7612, proposed bill 5833, 7611. We would provide those in writing in the interest of time, to cut down on time. The two proposed bills address the concerns of water company land; that is, bill 7614, "An Act Concerning the Sale or Abandonment of Public Water Supply Land", clarifies the criteria for our department to use in allowing the abandonment of public water supply. The most important feature of this bill is the requirement that land which one water company wants to sell must be offered to other water companies in order to preserve its use for drinking water purposes. It is important that the continuation of these lands for drinking water be the first option in any proposed sale.

We have some comments and will provide them in writing. Bill 7630, "An Act Concerning the Sale of Water Company Land", clarifies the ability of the department to reclassify water company land so that those that are no longer needed for water supply protection, the bill would allow to transfer certain land between water companies with the department's approval. Bill 7628, "An Act Concerning Rate Making For Future Water Supply

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COMM. PAC: (continued)

also before you the other question, the one involving the closures and that touches on the first portion of it. At the time, I drew your attention to this bill so in essence, closure and this portion of this bill almost mesh together. We must come up with something. There is another bill before the Judiciary Committee sponsored by Chairman Wollenberg, and basically it would just put -- at the end of a                      at the time of recordation in all instances which means that it would really just return to the bill as it was passed last year. It would undo the place in line that we have in the                      and I spoke on it at that point and I refer to the bill you have before you. Maybe some person or the committee could meet with the judiciary and come up with a resolution.

Finally, bill 7644, this is a very important bill. We support it. This bill would strengthen the cause of the Commissioner of Health in managing and regulating the water supply needs of the state through the utility coordinating committee. Our role at the DEP would be to develop a shared data base system which would be used by the Health Department, The DPUC, OPM and the Utility Water Coordinating Committee. This                      would add a collection - would avoid duplication and result in more cost effective resource management programs. There is \$213,000 provided in the bill and I might say that that is not in the budget because these recommendations came in almost after the budget was drafted and that is about the extent of my remarks on the bills that you have before you. If you have any questions, I'll try to answer them.

Cass. 2

REP. TIFFANY: Are there any questions from the committee?  
Steve.

REP. DUFFY: Commissioner, with regard to the                      statute, HB 7664 (inaudible) because about three years ago the state's entire                      and lien process was ruled unconstitutional because it did not provide for the ability of someone to challenge the lien and                      the provides for that kind of procedure so that (inaudible).

COMM. PAC: Let me say this, that's a very difficult one to answer. The constitutionality of that particular law has not been challenged. I might tell you that in the

MR. RICHARD ALBANI: Good afternoon members of the committee, my name is Richard Albani. I'm a member of the engineering staff of the Department of Public Utility Control and I was their designee on the Water Resource Task Force. We at the DPUC support the entire package of bills; particularly bill 7644, because we think it's the most important bill in this package.

You also have two other bills that directly effect the ratemaking abilities of the department that I would like to make some brief comments on and I will provide testimony in the basket here. The first bill is 7628. Specifically, we believe that this bill should be amended to include the intentions of the task force in that the land itself is to be put in the rate base and should include also land for the protection of surface water supplies, filtration plants, tank sites, other uses besides the groundwater as the bill indicates. In addition, the cost of acquiring such properties should be considered as a capital expenditure, rather than as an operating expense and I believe that is line 20. That could be more properly reflected in the company's rate base.

We also believe that there should be some special restrictions placed upon the land to preclude the water utilities from making an unwarranted investment at the expense of their ratepayers. I have suggested some language to go along with these comments which I won't go into at this point. Basically what I am doing is I'm taking the language from the water resource sub-committee report and modifying it slightly to make it clear in its intentions.

The second bill that we are interested in is revised committee bill 7634. This one here allows the department flexibility in the ratemaking process so we need it and we think the language needs to be restructured somewhat in order to give us that flexibility. The specific language that I have I've also included in the testimony and in the interest of time I will not share it with you but I hope you will look at it and take it under advisement. Thank you.

REP. TIFFANY: Thank you, Sir. Any questions? Howard Brown of the Department of Banking and then Horace Brown of OPM.

MR. HOWARD BROWN: Thank you, Mr. Chairman, members of the committee, my name is Howard Brown. I'm Deputy Banking



MR. JACKSON: (continued)

Connecticut's groundwater resources. An alphabet soup of toxins from EDB to TCE have been found in water drawn from both private and private wells. We have found trichloroethylene and dichloropropane in Regional Water Authority wells serving Cheshire. Levels of these chemicals are well below state and federal safety standards. But the Regional Water Authority is spending \$2.6 million during the next two years to remove even these low levels of TCE and DCP.

Few homeowners could afford the kind of technology and monitoring and maintenance needed to remove these and similar chemicals from their wells. It's not often that an industry comes before this Committee to support more stringent state regulation of that industry. We do so today, because of Connecticut's growing groundwater problem. The safety of our drinking water simply demands favorable action on the Water Resources Task Force Bills.

We especially support House Bill 7644, often known as the Connecticut plan proposal, this is an essential step toward protecting drinking water quality throughout the state. We believe that Connecticut needs a comprehensive statewide plan for water supply and as proposed in this Bill, this Plan should be developed with the leadership of water supply professionals and in cooperation with state agencies.

We also endorse making the State Department of Health Services Connecticut's leading agency. We do suggest that the Committee strengthen the requirements for public participation and development of regional water plans as detailed in HB 7644. A scaled down version of the approach used in developing Connecticut's Coastal Area Management Program could help educate consumers while building a broader base for sound water management in the state.

We also support House Bill 7611, An Act Concerning the Protection of Water Supplies. By giving the Health Commissioner a chance to be heard in local land use decisions, this Bill takes a vitally important step. We ourselves have been successful in working with local land use officials to develop aquifer protection regulations in several communities within our region.

MR. JACKSON: (continued)

We do request one change in House Bill 7634, An Act Concerning Satellite Management of Water Companies. As defined in that Bill and in House Bill 7644, utilities like the Regional Water Authority seem to be prevented from providing satellite management service to contiguous water systems. We think that abutting water utilities should be able to share management services as a cost saving measure which might benefit their consumers and ask the Committee to redefine that term in their new Bill.

We face a difficult task in protecting drinking water quality in Connecticut. Most consumers don't even think about water quality as long as the water comes out of the tap and it's clear. Private wells are rarely, if ever, tested for even the most common forms of chemical contamination. The Regional Water Authority has launched a continuing effort to education consumers about how they can help protect groundwater and surface water quality. But this is not enough.

Connecticut's government must take the lead by implementing improvements recommended in the Water Resources Task Force and these initiatives must be backed by an active public education and citizen involvement effort. We are also submitting some written testimony today supporting House Bill 6543 as a sensible approach to acquiring critically important open land which once served as water utility reservoirs. Thank you very much.

REP. TIFFANY: Thank you Mr. Jackson. Any questions? Bob Crook followed by Marty Burke.

MR. ROBERT CROOK: Mr. Chairman, my name is Bob Crook. I'm representing the Connecticut Sportsmen's Alliance and Connecticut Marine Trade Association. I'd like to briefly testify on 6543. Both organizations support the Audubon proposal which is the general coalition position. We'd ask expeditious action to get this to Finance, Revenue and Bonding so we can work dramatically over there.

I'm testifying today basically on-for marine trades in

MR. BURKE: (continued)

its participation in the task force with CWWA representation from member companies representing large and small investor owned systems and municipal water companies. The report of the task force represents a consensus struck by interested parties in the General Assembly regulatory agency and from the industry. Without question, the major piece of legislation imminating from the task force concerns the development of a public water system coordination law based upon that in place in the State of Washington.

There are, however, eight other bills which we would like to comment upon and for the sake of brevity, if we are in favor, as we are, in favor of all nine bills, if we do not have any suggested language changes, I will not comment on them but I want the record to reflect that CWWA supports the nine bills from the task force. 7644, "An Act Concerning the Connecticut Plan for Public Water Supply" as you know, creates a comprehensive program for addressing water supply needs by establishing coordinating committees in designated management areas and then requiring these committees to develop a coordinated plan.

Our association feels that largely the bills before you reflect the task force report, but we have several changes that we feel would bring it more in conformity with that request. Many people will testify from the state agencies and will mention similar concepts. The management definition in both the Connecticut Plan bill as well as the separate bill in the former case, in line 38-40 should be redefined to mean the management of a public water supply system by another company. In other words, not just a non-contiguous company, like almost every other speaker who has made that point and I think that's pointed out in the task force report.

Secondly, in line 88-90, it should be made clear that the agreement to establish preliminary exclusive service boundaries is to be by the committee and hence, we would merely suggest that after the word "agreement" in the relevant places, it be indicated that that is by the committee. In a very related but much more important area, it has always been understood by the task force that no existing water utility would lose any of its present service area and I've made reference in the written testimony as to where you can find that in the



MR. BURKE: (continued)

report but it would be my suggestion in lines 92-94 of the Connecticut Plan, that you revise them to say, "in establishing such boundaries, the Commissioner shall maintain existing service areas" and not leave that to any speculation. Does that mean I'm at my four minute mark?

: Five minutes.

MR. BURKE: I would ask, Mr. Chairman, your indulgence. I am speaking for the water industry and would like to make --

REP. TIFFANY: -- Could you come back at the end?

MR. BURKE: Yes, I could, if that's what you would prefer. Let me just say this, I have outlined in detail suggestions on all of these bills. It's contained in the written testimony. I think that if I submit the written testimony that will probably suffice.

REP. TIFFANY: It's your choice. You're welcome to come back at the end --

MR. BURKE: -- Well, I'll be here and if it seems appropriate, then -- but I'm going to submit the written testimony for the record.

REP. TIFFANY: Thank you, Marty. Katie Feidelson followed by Rich Broome.

MS. KATIE FIEDELSON: Chairman Tiffany and members of the Environment Committee, my name is Katherine Fiedelson and I'm Associate Director of the Connecticut Conference of Municipalities. I'm speaking primarily today on House Bill 7644 which concerns the Connecticut Plan for public water supply coordination. We applaud the Water Resources Task Force and the intent of the proposal which would create a new system of coordinating public water supplies. It's important that new approaches be undertaken in an effort to provide safe drinking water to all Connecticut citizens. The bill would establish a series of water utility coordinating committees, would have a number of important responsibilities, chief among them the development of a public water supply management plan for each area.

MS. FEIDELSON: (continued)

Such plans would then be used by the Commissioner of Health Services to make permit issuance decisions. As written, however, the bill doesn't provide for sufficient municipal input into the development of these plans. The Washington state statute on which this proposal is based, requires membership by municipal and other government officials in the water utility coordinating committee. H.B. 7644 provides for committee membership only by representatives of water utilities in this area.

HB. 7644 does require the committee to solicit comments from local officials, but there is none of the type of participation by municipal government which will necessarily be effected by plans, is not adequate. It's only fair that local representatives sit on the committees, that will set the agendas, frame the issues, devise appropriate solutions and make all the important decisions concerning the water supply plans for their community. The CCM urges you to favorably report H.B. 7644 with the provision requiring municipal representation on the water utility coordinating committee. We have some comments on a few of the other bills but, in the interest of time, I will submit written testimony and that will cover them.

REP. TIFFANY: Do you have some prepared language for the participation that you're (inaudible)?

MS. FEIDELSON: No, but we can easily provide it for you.

REP. TIFFANY: Thank you. Rich Broome.

ATTY. RICHARD BROOME: Good afternoon. My name is Richard Broome and I'm a staff attorney for the Connecticut Business and Industry Association. I would like to speak on two bills today. First, House Bill 7629, concerning the state need for reimbursements it could have had (inaudible), the Association supports H.B. 7629. I think there is an agreement that the priority lien provision really ran the risk of driving the banking and title insurance businesses out of the hazardous waste industry altogether and I think that that would have a very devastating impact on economic development in those areas. Our businesses couldn't receive financing for business expansion and we think that putting these liens in line with other liens doesn't get anybody off the hook, it merely makes these liens predictable and certainly won't discourage people from doing



MR. WOODHULL: (continued)

standard water supply. So, like management and water companies, we'd like to support bill 7634 because we think it will improve the efficiency of operations. 7635, a pilot study of water conservation of state facilities, we recommend that your committee support bill 6939, now before the Public Safety Committee which also deals with conservation of water but goes beyond bill 7635 by putting into action now the use of fixtures that save water. That has already been studied for four years and we know as the result of this that it is practical to use water saving fixtures and we feel that the time has come to now put this into practice.

Rep. Rudolf's bill does this by amending the Connecticut basic building code as recommended by the Water Resources Task Force in its report. Norwalk is anxious to start conserving water and does not feel we should delay it any further.

Bill 7644, a Connecticut Plan for Public Water Supply Coordination, we oppose this bill because we feel it is duplicative of the water supply planning already done and being done by the water utilities and the communities of the state responsible for the (inaudible) of water.

REP. TIFFANY: Any questions? Thank you.

MS. SUZANNE WILKINS: Hello again. Today I'm speaking on behalf of 8 state and regional organizations that collectively comprise the Connecticut Clean Water Coalition. These include CCAG, Connecticut Fund for the Environment, ConnPIRG, Connecticut River Watershed Council, Connecticut Conservation Association, Sierra Club, ELECT, Farmington River Watershed Association and Housatonic Valley Association, phew --

REP. TIFFANY: -- Could you please give your name for the record?

MS. WILKINS: I'm sorry. I'm Suzanna Wilkins. Our coalition wishes to comment today on most of the bills in the Water Resource Task Force package. On 7611, Protection of Public Water Supplies, the coalition supports this bill which permits the DOHS Commissioner to participate in local land use decisions as they concern water supply. In addition,

MS. WILKINS: (continued)

towns should consider aquifer protection in the course of their local decision making processes. We also support 7612.

The coalition is in favor of 7613, report on proposed ground water strategy. This bill permits DEP to complete vital ground water mapping upon which much of the state's water supply planning should be based so that this will -- so that this process can occur in an orderly rational way. We applaud the Governor's interest in this needed mapping with tis placement in his budget.

On both 7614, Abandonment of Water Supply Lands and 7630, Sale of Water Company Lands, we urge that the burden of proof, that the area is no longer needed, rest clearly with the utility. In addition, we would like a board comprised of representatives of DOHS, DEP, RPA and OPM to make the abandonment decision rather than having that power rest solely with DOHS. Also, lands should be allowed to be transferred to another entity if the lands keep their same classification.

The coalition supports 7635, Pilot Study of Water Conservation at State Facilities. This is an important first step of what the state can do to protect unnecessary squandering of water supplies. By this program the state could serve as a forward-thinking example to other large water users in the state. This bill, however, should request the report in 18 rather than in 12 months. In addition, this bill needs an appropriation of \$50,000 for the work to occur.

Finally, the coalition wishes to comment on 7644, The Connecticut Plan. We commend the many members of the Water Resources Task Force who worked on these and earlier bills for two years. 7644 represents a major effort of that group. Connecticut desperately needs a state water supply planning process, which this bill addresses. As far as oversight for water supply is concerned, it makes sense to have it all in one department which the Task Force agreed should be DOHS. Our coalition was pleased to note that environmental considerations were included in setting the regional boundaries. We are, however, concerned about the composition of the WUCC's. Unlike Washington State, the Connecticut Plan has this group of decision makers

MS. WILKINS: (continued)  
comprised only of utility representatives. While the bill does allow for input from all the appropriate other entities that should be involved in the process, the bill does not spell out the when and how precisely enough. Preferably, municipalities and others should, as they do in Washington, sit on the WUCC.

As far as funding is concerned, we particularly support the amount for DEP. If various environmental concerns are to be balanced, DEP must have the funding to generate its own data base so that it can analyze the various studies put forth under this plan.

The Connecticut Clean Water Coalition thanks you for your careful consideration of these bills.

REP. TIFFANY: Thank you. Mary.

REP. MUSHINSKY: Suzi, how did you come up with the \$50,000 approximation for the pilot?

MS. WILKINS: We did not -- this was just sort of a figure that we heard that DEP was interested in for that fund. You know, if the Natural Resources Center or whomever would be undertaking that has some better figures, we'd be happy to defer to that.

REP. TIFFANY: Any further questions? Thank you. I'm not sure of the last name pronunciation. John Scillieri from Waterford. Come forward, please and give your name for the record.

MR. MARK LUBBERS: Good afternoon. My name is Mark Lubbers and I'm speaking at the present time on behalf of John Scillieri from the Town of Waterford (inaudible). His statement reads as follows.

My name is John Scillieri, Jr. As a member of both the Connecticut Coastal Embayment Advisory Board and the Waterford Flood and Erosion Control Board, I would like to offer the following testimony in support of House Bill number 7615, An Act Concerning the Protection of Estuarine Embayments.

The State of Connecticut has over 40 embayments which are valuable or potentially valuable resources of the



MR. SYME: (continued)

with the implement of sediment erosion which takes place July 1, we would point out that we have a very good working relationship with the towns on this and their programs by and large are going to be well accepted. Without this person it leaves something out of coordination. In addition, as you look down the road and see the federal program, the contracting of grant programs, it's going to be even more important that we have a person who can write draft programs and participate in the federal programs so the one that has been helping us the most is (inaudible) soil conservation service and that is facing severe cuts. As a matter of fact, that service is close to being eliminated so we're looking at almost the total elimination of this person or position and we're in the process of having the bills funded and we hope that you will support this effort.

REP. TIFFANY: Thank you. Are there any questions? John.

MR. JOHN FILCHAK: Rep. Tiffany, members of the Environment Committee, my name is John Filchak and I am the Director of Governmental Relations for the Connecticut Farm Bureau. I would like to very briefly comment on two bills. The first is proposed House Bill 6543, "An Act Concerning Establishment of a Fund for The Acquisition of Abandoned Water Company Land". We are concerned that if the water company lands are abandoned, they will be lost to some form of development that may not protect these valuable water resources and we feel that the proposed fund to acquire this land is a good one and will go a long ways to protect these lands.

The Connecticut Farm Bureau also supports those bills resulting from the work of the Water Resources Task Force, and especially House Bill 7644, "An Act Concerning The Connecticut Plan for Public Water Supply Coordination". The Connecticut Farm Bureau has followed the work in progress of the task force since the beginning and we feel that their work and this legislation will go a long way in protecting Connecticut's public drinking water supply in the future. We have not read or received the final report of the committee but we'll be going through that process soon and if you have any comments, we will certainly forward them to the committee. That concludes my testimony.



Testimony  
of the  
Connecticut Conference of Municipalities  
to the  
Environment Committee  
on  
Proposals Concerning Water Resources

1306

March 12, 1985

H.B. 7644, "An Act Concerning a Connecticut Plan for Public Water Supply  
Coordination"

The Connecticut Conference of Municipalities supports, with modifications,  
H.B. 7644.

CCM applauds the intent of this proposal which would create a new system  
of coordinating public water supplies. It is important that new approaches  
be undertaken in an effort to provide safe drinking water to all Connecticut  
citizens.

H.B. 7644 would establish a series of "water utility coordinating committees"  
which have a number of important responsibilities -- chief among them the development  
of a public water supply management plan for each area. Such plans would then  
be used by the Commissioner of Health Services to make permit issuance decisions.

As written, however, H.B. 7644 does not provide for sufficient municipal  
input into the development of the plans. The Washington State statutes upon  
which this proposal is based require membership by municipal (and other government)  
officials in the water utility coordinating committees. H.B. 7644 provides for  
committee membership only by representatives of water utilities in each area.

H.B. 7644 does require the committee to solicit comments from local officials. This limited type of participation by municipal governments -- which will necessarily be affected by such a plan -- is not adequate. It is only fair that local representatives sit on the committees that will set the agenda, frame the issues, devise appropriate solutions, and make all the important decisions concerning the water supply plan for their communities.

CCM urges you to favorably report H.B. 7644 with a provision requiring municipal representation on the water utility coordinating committees.

CCM also urges you to give a joint favorable report to the following proposals before you today:

H.B. 5833, "An Act Concerning Clarification of State Oversight in the Determination of Toxic Substance Levels in Drinking Water"

This proposal would provide that state statutes be amended to clarify state agency responsibility in determination of toxic substance levels in drinking water and for the provision of safe drinking water when such levels are present. Such clarity has been lacking in the past and has created confusion for local officials in dealing with the state on such matters.

H.B. 6610, "An Act Concerning Establishment of A Water Resource Development Fund"

This proposal would establish a fund to provide loans and grants to water companies and municipalities for the development and improvement of water resources and water distribution systems. Such a fund would assist local governments and water suppliers in meeting the long-term water supply needs of their constituencies.

We ask that you act in accordance with our recommendations.