

# Legislative History for Connecticut Act

## PA 16-137

HB5540

Senate 3090, 3094-3096 4

Public Health 2247-2249, 2302-2303,  
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House Transcripts have not been received. They are available  
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Clerk for assistance (860) 240-0400 **28**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2016**

**VOL. 59  
PART 9  
2751 – 3097**

/je  
SENATE

340  
May 4, 2016

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 22, Calendar 536, House Bill 5540 -

-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 22, Calendar 537, House Bill 5601 -

-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 23, Calendar 544, House Bill 5484 -

-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 24, Calendar 551, House Bill 5289 -

-

THE CHAIR:

Seeing no objection, so ordered, sir.

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SENATE

May 4, 2016

THE CHAIR:

All right. Mr. Clerk, will call the Consent Calendar. The machines will be open.

UNKNOWN SPEAKER:

(Inaudible comment.)

THE CHAIR:

Okay. Just get going. It's getting there. It's getting there. You've got to call for a vote. Okay. She's pulling it up, she's pulling it up.

SENATOR DUFF (25TH):

Madam President, if the Clerk can just read the bill numbers and not the titles, that would be great.

THE CHAIR:

That's right. Okay.

THE CLERK:

House Bill 5470, House Bill [inaudible], 5423,  
[inaudible], 5593, 5360, 5311, 5359, 5366, 5317,  
5329, [inaudible], 5438, 5637, 5520, 5553, 5510,  
5420, 5540, 5484, 5306, 5289, 5639, 5147, 5411,  
5055, [inaudible], 5479, 5138, 5189.

(HB5356) (HB5629)

(HB5433) (HB5291)

(HB5601) (HB5051)

(HB5638) (HB5556)

(HB5261) (HB5596)

(HB5259) (HB5444)

THE CHAIR:

Okay.

(Applause.)

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SENATE

May 4, 2016

The machine is open.

SENATOR DUFF (25TH):

Madam President, I need to add one more. Calendar 513, page 19, Calendar 513, House bill 5553.

THE CHAIR:

It's already on Consent, sir. May I open the machines to vote.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Yes?

SENATOR DUFF (25TH):

I need to, does the Clerk have agendas 6 and 7?

THE CHAIR:

Yes, sir.

THE CLERK:

The Clerk has Senate Agenda 6 and 7. They have been printed and on Senators' desks and dated Wednesday, May 4, 2016.

SENATOR DUFF (25TH):

Madam President, I move that all items on Senate Agendas 6 and 7, dated Wednesday, May 4, 2016, be

/je  
SENATE

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May 4, 2016

acted upon as indicated and the Agenda be incorporated by reference in the Senate Journal and transcript and placed immediately on the Calendar.

THE CHAIR:

So ordered, sir.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call is ordered in the Senate.

THE CHAIR:

Come on, come on, come on. Crisco, Crisco, Crisco.  
Where's Crisco? Where is Crisco? Come on Joe.

All members have voted? All members have voted?  
The machine will be closed. The Consent Calendar passed.

THE CLERK:

Consent Calendar Number 3 [inaudible].

(Applause.)

THE CHAIR:

I almost [inaudible] holding the clock back. Don't worry about it [inaudible] it. Senator Duff.

SENATOR DUFF (25TH):

Madam President, I move that we adjourn Sine Die.

THE CHAIR:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
HEALTH  
PART 5  
2075 – 2593**

**2016**

## PUBLIC HEARING

implemented within the comprehensive state wide water plan currently being developed.

Thank you for your time and consideration in this important matter.

SENATOR GERRATANA (6TH): Thank you very much for your testimony. We appreciate it.

RACHEL GAVDIO: Thank you.

SENATOR GERRATANA (6TH): Next is Margaret Miner followed by Gary Wall.

MARGARET MINER: Hello gentleman, Senator Gerratana, Representative Ritter. I am Margaret Miner with Rivers Alliance of Connecticut. I am here to testify on two bills, S.B. 300, which involves the New Britain project, and 5540, which is an ACT CONCERNING WATER PLANNING COUNCIL. I've submitted testimony on both bills. The case - the question of need and whether it will be of benefit to New Britain is extremely difficult to calculate, but to take into account the 100 acres of class I and class II land that are now scheduled to be turned into a rock quarry, so that more water can be stored in a reservoir; those 100 acres do store water right now. They store it in the land and it's vegetated. The store and they clean it, and that is why for some 40 years we've had these class I and class II protections on these lands, which are the highest priority in all state open space goals, and DPH - I don't think it would be possible for this project to meet DPH standards and we do not feel the standards should be broken. In terms of the blasting, I just want to mention since New Britain is here, some of that blasting will be within 200 feet of a natural



## PUBLIC HEARING

gas pipeline, and I would strongly recommend that if it does go forward, and not go that close to the natural gas pipeline.

HB5540

The bill for the water planning - the water plan - the state water plan; our testimony outlines some of the problems and what we think the fix is. This is a multi-stakeholder bill that was created by the Waterworks Association, environmental groups, agriculture groups, many different stakeholders contributed; we are just trying to fix a simple problem which you will well understand. The way the bill - there are a couple - problems.

The way the bill is written now, will all work - water product council work for two to three years, bring it to the legislature. The legislature, committees and (indiscernible) can change the bill in any way that they feel is appropriate, and then it goes straight up for a floor vote.

It never goes back to the water planning council or to the stakeholders who worked on it, so we've put in a 60-day turnaround, which is pretty quick; at least let the water party council have the opportunity to respond to legislators concerns. That is (indiscernible).

We have a couple of other aspects that we think improve it, but the most obvious thing is that right now that people are already lining up, including me, to come to you people and say "We want this and we want that in the water plan", and at this point it would be good to keep it an even field. None of us know what is in it, so let's get the approval process fixed now.

## PUBLIC HEARING

So, that is my testimony on those two bills, except to say that a lot of critical habitat bird pools and so forth are in this class I, class II land that is scheduled to become a rock quarry.

SENATOR GERRATANA (6TH): Okay, okay, thank you so much for your testimony. I couldn't tell for House Bill 5540, are you saying that was a workgroup that came together and everyone agrees on this or?

MARGARET MINER: Actually, individually. The Water Planning Council Advisory group discussed this last year, and this year we vetted the language, we consulted with each other.

SENATOR GERRATANA (6TH): Gottcha.

MARGARET MINER: - stakeholder group. Our recommendations to the Water Planning Council did not make them very happy, but we felt strongly enough that individually we have moved forward on the legislation.

SENATOR GERRATANA (6TH): Okay, thank you so much.

MARGARET MINER: You're welcome.

SENATOR GERRATANA (6TH): Thanks for testifying. Next is Gary Wall followed by Jamie Geontonio.

GARY WALL: Good afternoon Senator Gerratana, and distinguished members of the Public Health Committee. My name is Gary Wall. I am the president of Tilcon Connecticut. I am here today to respectfully urge your support of S.B. 300, an ACT CONCERNING NEW BRITAIN WATER COMPANY LAND.

## PUBLIC HEARING

application of acupuncture with counseling, education, and medical support enhances - for success with addiction.

Acupuncture Detox Specialists or ADS are required to complete a 70-hour training and certification by NADA. Among the benefits reported are, improved engagement in the process of recovery, less relapse as well as reductions in craving, anxiety, sleep disturbance, and withdrawal symptoms.

The benefits of the NADA protocol have been substantiated through research showing it to be effective, adjunctive therapy in substance abuse and behavioral health with trauma, disaster relief, and PTSD, to mention but a few.

The military currently uses auricular acupuncture on the battle field, and for veteran's suffering from PTSD. In particular, I am in support of section 2(h) of Senate bill 353.

However, in response to the growth of drug-related deaths in Connecticut, I am respectfully requesting that current acupuncture detox law from 1996 and 1999, be clarified and expanded to ensure that the NADA protocol can benefit all our at-risk populations.

The current active detox law provides for auricular acupuncture in state licensed substance abuse facilities with indirect MD supervision, who are generally not NADA trained.

We are respectfully requesting to allow non NADA trained licensed and/or certified health care providers, RNs, APRNs, PA licensed addiction

## PUBLIC HEARING

counselors, family therapists, and social workers to use the NADA protocol in their independent practices without supervision.

In addition, it is our proposal that a NADA trainer may provide indirect supervision to nonlicensed Ads performing community auricular acupuncture. In 30 years of insuring Ads, there has never been a claim against a practitioner.

SENATOR GERRATANA (6TH): Could you please summarize your testimony to the best of your ability. The bell did go off.

BARBARA CAMPION: This would allow access to broader populations and settings such as homeless shelters, AIDS clinics, college campuses, hospice, hospitals, first responder locations. They are all areas where substance abuse may begin.

Providing the acupuncture enhances the menu of services for clinicians to address the current opiate crisis using a drug free intervention that has been proven to support engagement, and we thank you. I thank you for your time.

SENATOR GERRATANA (6TH): Thank you so much for giving your testimony today. We do appreciate it.

Next is Dorothy Eagan, and following her will be Michael Pascucilla.

DOROTHY EAGAN: Thank you Senator Gerratana, and distinguished members of the Public Health Committee. My name is Dorothy Eagan. I am a certified addiction registered nurse, licensed alcohol and drug counselor, certified health

SB353

## PUBLIC HEARING

This population includes people who are homeless, incarcerated, victims and survivors of trauma, people suffering with hepatitis C, HIV/Aids, or as we say "meeting people where they are." Please act upon our request so that we can help all of those in need. Thank you.

SENATOR GERRATANA (6TH): And, thank you for your testimony. Representative Sayers has a question.

REP. SAYERS (60TH): Thank you. My - my - one of my concerns is that when you are providing in other settings, how do you maintain good infection control? Is it going to where they are - the homeless and all, how do you maintain good infection control testing?

DOROTHY EAGAN: There is only one way to do what we do, and we are trained, and you have disposable container.

REP. SAYERS (60TH): Ya, I'm familiar with it. I used to license facilities that did provide acupuncture, and I've observed it.

DOROTHY EAGAN: Ya. So, we go - you can do a demonstration, in Connecticut you cannot do outside of state-licensed facilities, but in the demonstration you would just bring your kit, which includes alcohol wipes, sterile disinfectant, gauze, and needles, and it is very simple.

Actually, I have my kit in a little box that is about 3 x 3.

REP. SAYERS (60TH): Thank you.

## PUBLIC HEARING

DOROTHY EAGAN: You're welcome.

SENATOR GERRATANA (6TH): Thank you for testifying today. Next is Mike Pascucilla followed by Neil Lustig.

Michael.

MICHAEL PASCUCILLA: Ya. Good evening.

SENATOR GERRATANA (6TH): Good evening.

MICHAEL PASCUCILLA: I want to thank the Public Health Committee for listening to my testimony regarding bill number 355. So, my name is Michael Pascucilla, and I'm the president elect of the Connecticut Directors of Health Association. We would like to thank the Public Health Committee for continuing to recognize the importance of local public health. The proposed amendment in section 1 of section 19(a)-QA of the Connecticut General Statutes would require the commissioner other Connecticut Directors of Health Association. We would like to thank the Public Health Committee for continuing to recognize the importance of local public health.

The proposed amendment in section 1 of section 19(a)-2(a) of the Connecticut General Statutes would require the commissioner of Health to all of the records of each local health department or district for the purpose of assessing their performance and compliance of the local directory of health's duties.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
HEALTH  
PART 6  
2594 – 2995**

**2016**



The Metropolitan District  
water supply • environmental services • geographic information

**STATEMENT OF THE METROPOLITAN DISTRICT**  
**IN SUPPORT OF HOUSE BILL 5540**

The Metropolitan District ("MDC") is a specially-chartered municipal non-profit corporation established by the State of Connecticut General Assembly by Special Act in 1929 (SP,ACT.511) and ~~provides water and sanitary sewer services to its eight member towns—Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield, and Windsor—as well as portions of other towns within the region.~~ **The MDC supports House Bill 5540.**

In 2014, Public Act 14-163 substantially amended Connecticut General Statutes Section 22a-352, the statute that calls for the development of a state water plan. This public act set forth criteria for the preparation of the plan as well as the procedure for its approval. House Bill 5540 provides greater detail on the road map to consideration and approval of the plan, and corrects and enhances the role of the General Assembly and the legislative committees of cognizance in this process. Of particular note, the prior public Act provided that the plan would be approved by default in the event the General Assembly failed to take any action on the plan prior to July 1, 2018. The MDC submits that a document of this importance should be vetted, reviewed and considered by the committees of cognizance and require action by the General Assembly.

The importance of clean, potable water to our residents and businesses cannot be understated. The MDC has provide an uninterrupted source of public water to its residential, commercial and industrial customers for nearly a century. The state water plan creation, submission and approval process, as detailed in Public Act 14-263 and modified by House Bill 5540, affords all stakeholder, through their elected representatives, a voice in the plan. What better way to balance the interests of our water customers, advocates for the environment, proponents of sound economic development, and taxpayers generally than to ensure that each of their voices are heard and represented through an open, engaged process. We understand the importance of our water supply to residents and businesses alike. For its customers, ratepayers, member towns and its business community, the MDC strives to balance these interests on a daily basis. In its active consideration of the state water supply plan we trust the General Assembly will as well for the entire state.

We urge you to support of **House Bill 5540**, and are available for any comments or questions. You may contact Christopher R. Stone at Chadwick & Stone Governmental Relations, LLC, 111 Founders Plaza, Suite 1702, East Hartford, Connecticut 06108, or by phone at (860) 610-4500 (o) or (860) 214-0503 (c). Thank you for your consideration.



**South Central Connecticut Regional Water Authority**  
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020  
<http://www.rwater.com>

Testimony to the Public Health Committee

March 7, 2016

**RB 5540 – An Act Concerning the State Water Plan**

*The South Central Connecticut Regional Water Authority (RWA) is a non-profit, public corporation and political subdivision of the state. Our mission is to provide our customers with high quality water at a reasonable cost while promoting the preservation of watershed land and aquifers. We provide approximately 45 million gallons of water per day to almost 430,000 consumers in our region. The source of this water is a system of watershed and aquifer areas that cover about 120 square miles within 24 municipalities. Much of our 27,000 acres of land is managed for watershed protection, timber resource conservation, wildlife habitat, open space, education, and research.*

The South Central Connecticut Regional Water Authority appreciates the opportunity to provide comments to the Public Health in **Support of Raised Bill 5540 – An Act Concerning the State Water Plan**.

The proposed changes to RB 5540 would provide an approval process for the State Water Plan. Currently, if the legislature fails to approve or reject the plan within 60 days, the plan would be approved. This automatic approval process should be replaced with an affirmative action by the General Assembly, rather than the General Assembly failing to act.

A state water plan is essential to meet the needs of the state to protect public health and the environment, to ensure safety and promote economic development, and the RWA will continue to work with stakeholders on the development of this very important plan.

Thank you for considering the South Central Connecticut Regional Water Authority's comments. If you have additional questions please contact, Lori Vitagliano, RWA Government Relations Specialist at 203-401-2720 or [lvitagliano@rwater.com](mailto:lvitagliano@rwater.com)

Dear Representative Ritter, Senator Gerrantana, Representative Tercyak, and Committee Clerk Morgan,

I am writing to strongly encourage you to do what you can to stop three current threats to our drinking water. In the wake of the disaster in Flint, Michigan, I believe that we need to do everything we can to protect this vital resource, and can hardly believe that the three proposals are being considered. Clerk Morgan, I would greatly appreciate it if you can forward my comments to the other members of the Public Health Committee.

Two of these proposals have to do with commercial development in reservoir watersheds, which as I understand is currently rightly prohibited by state legislation. The first is the ill-conceived plan to put a gas pipeline through MDC reservoirs in West Hartford. Writing as a biologist, it seems that the displacement of soil and vegetation that would result from digging the pipeline would inevitably lead to destabilization and runoff into the reservoirs, and disrupt the continuity of the forested land that the pipeline traverses. New "edge" habitat along the pipeline would provide access to predators of forest birds' eggs and nestlings, and for birds that need uninterrupted woodland, would make the habitat unusable. Birds eat many insects that can damage and even kill trees, so keeping healthy bird populations will help to keep the whole forest healthy and playing its current role in stabilizing land and preventing erosion around the reservoirs. It is not even clear that a pipeline is needed, as we move increasingly toward renewable energy sources. Additionally, the precedent that would be set by this project would lead to an increasing onslaught of requests that would further threaten our drinking water supply.

The second is Tilcon's request for a 40-year lease to mine gravel in the Shuttle Meadow reservoir watershed. Again, runoff into the drinking water reservoir is a major threat; as a CCSU professor, that is the water that my students and I, as well as the rest of the town, are drinking. Forest habitat disruption there would be huge (the lease would cover 130 acres), with the same attendant problems as on the West Hartford reservoir property, and the same dangerous precedent setting.

The third threat is the MDC's proposal to sell huge quantities of water (at a discount, no less!) to a Niagara bottling plant to be constructed in Bloomfield. Considering how low the reservoirs and rivers have gotten in recent drought years, this seems like an incredibly bad idea. I don't understand why the MDC is looking for new, high-volume customers when out of the other side of their mouth they are encouraging citizens to conserve water. As a non-profit chartered organization, they should not be looking to make more money by threatening the water supply of the citizens who depend on them.

Thank you very much for your attention to these problems, and please keep me informed on your planned course of action on them.

Sincerely,

Sylvia L. Halkin, Ph.D.  
125 Arundel Ave.  
West Hartford, CT 06107

## ***State Water Planning Council (WPC)***

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**Public Hearing – March 7, 2016**

**Public Health Committee**

**Testimony Submitted by John W. Betkoski III, Chairman, WPC and Vice Chairman, Public Utilities Regulatory Authority (PURA)**

Thank you for the opportunity to submit testimony regarding House Bill No. 5540 – An Act Concerning the State Water Plan.

On behalf of the State Water Planning Council (WPC), I am submitting testimony on House Bill No. 5540 – An Act Concerning the State Water Plan. The WPC is comprised of representatives of Connecticut's Departments of Energy and Environmental Protection (DEEP), Public Health (DPH), Office of Policy and Management (OPM) and Public Utilities Regulatory Authority (PURA).

The WPC has been charged, pursuant to Connecticut Public Act No. 14-163 "An Act Concerning the Responsibilities of the Water Planning Council" and codified in CT Gen Stat § 22a-352, to prepare a state water plan (plan) for the management of the water resources of the state. A final draft plan is due to the Connecticut General Assembly for approval by January 2018, or nearly two years from today.

The State Water Planning Council (WPC) is not unsympathetic to the concerns expressed by the proponents of the bill. In fact the WPC has been having on-going discussions with the proponents about their concerns. However, the WPC strongly believes that the legislation being proposed is premature.

The most problematic language is contained in section 1, paragraph f which states: "in consultation with the Water Planning Council Advisory Group (WPCAG)". As we read it, that language elevates the WPCAG to having equal status with the WPC for purposes of revising or rejecting the plan. Such a re-positioning could pose a problem in that it may well set a precedent for using legislation to treat the WPCAG as the co-equal of the WPC in other policy areas. It would mean that the WPCAG would cease being merely advisory and would, in essence, evolve into a policy making body on par with the WPC which was not contemplated or intended in PA 14-63.

The changes being proposed to the current legislation, while making the legislative approval process more structured, may also serve to make it more difficult to get a plan approved.

We are just at the beginning of the process of developing the State Water Plan ("Plan") and there are risks in making any final decisions, including those involving legislation, so early in the process as there are many unknowns at this point.

The WPC, along with many other stakeholders, are currently researching other Connecticut state statutes that address other statewide plans that include a legislative approval mechanism and that could provide guidance on an approval process for the State Water Plan. Before it was revised in 2014, the State Water Plan did not require approval from the legislature but simply submittal once the Commissioners at their respective state agencies approved the plan.

The WPC recently issued a Request for Qualifications (RFQ), inviting qualification submittals from contractors to develop, at the direction of the WPC, the plan. The WPC expects to have the consultant selected and at work in early April-2016.

Some of the deliverables expected from the consultant spelled-out in the contract include: organizing, prioritizing, and scheduling the work required to assist in developing the plan and recommendations on a process and schedule for implementing the plan.

There is a WPC Advisory Group (WPCAG) established by the CT General Statutes §25-33o, with the support of the WPC, consisting of designated members for specific water interests. The WPC has also established a Steering Committee, a Science and Technical Workgroup, a Policy Workgroup and an Other States Plans Workgroup to assist it in guiding the development of the plan. These groups meet regularly and continue to provide feedback to the WPC on a variety of issues. They will serve in a similar capacity with the WPC's consultant.

Discussions with the Governor's Office, legislative leaders, legislators and all the stakeholders who were instrumental in securing passage of PA 14-163 on a wide variety of issues, including the approval process, are on-going and will continue.

Thank you again for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Nick Neeley, Director, PURA at 860-827-2625 or Nicholas.neeley@ct.gov

I support Raised bill 5540 AAC the state water plan

Linda S Alexander  
155 Fieldstone Drive  
Windsor CT 06095



Kathryn Dube  
Director, Membership & Legislative Services  
Connecticut Council of Small Towns  
Before the Public Health Committee  
March 7, 2016

The Connecticut Council of Small Towns (COST) supports HB 5540 AN ACT CONCERNING THE STATE WATER PLAN.

Given the issues facing other states, such as severe droughts and contaminated drinking water, the development of a state water plan should be a top priority for Connecticut. A comprehensive state water plan will help ensure that Connecticut has sufficient drinking water supplies to meet the public health and safety needs of our residents and businesses.

A state water plan will also help protect the state's environment and aquatic habitats, which are part of the fabric of our small towns. And, protecting the state's water resources to support activities such as fishing, tourism, boating and swimming, which contribute significantly to the local economies in many small towns, is critical to the economic vitality and quality of life in Connecticut.

To achieve these goals, COST supports the development of a comprehensive state water plan that will help protect and manage the state's water resources. However, we are concerned that the approval process outlined in Public Act 14-163 is fundamentally flawed.

HB-5540 includes common sense recommendations to address the flaws in the approval process. The bill 1) ensures that the legislature must take affirmative action in approving the plan rather than let it be deemed approved by default; and 2) ensures that any revisions made to the plan by the various legislative committees will have the opportunity to be properly vetted by the legislatively created Water Planning Council.

These changes should be addressed now to avoid any possibility that this flawed approval process will be left intact and the state water plan will suffer as a result.

HB-5540 will help ensure that the plan receives the attention and deliberation it deserves.

COST urges support for HB-5540.

Connecticut Council of Small Towns  
1245 Farmington Avenue, 101 West Hartford, CT 06107  
860-676-0770 860-676-2662 Fax



**Connecticut Fund  
for the Environment**



**Save the Sound®**  
A program of  
Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Public Health Committee**

*In support of Bill 5540*

**AN ACT CONCERNING THE STATE WATER PLAN.**

Submitted by Rachael Gaudio, Legal Fellow  
March 4, 2016

*Connecticut Fund for the Environment (CFE) is a non-profit environmental organization with over 5,500 members statewide. The mission of CFE, and its bi-state program Save the Sound, is to protect and improve the land, air, and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.*

Dear Senator Gerratana, Representative Ritter, and members of the Public Health Committee:

Connecticut Fund for the Environment, and its bi-state program Save the Sound (CFE/Save the Sound) expresses its support for HB 5540. The present approval process essentially allows for automatic approval of the Water Planning Council's plan when no timely action is made by the legislature. This is a poor process, and such defects must be fixed.

There should be no unnecessary delay to the implementation of a state plan. HB 5540 as proposed will actually accelerate the process of getting a state plan that is reasonably close to the plan created by the Water Planning Council, without the defective automatic approval. Specifically, this bill would require that if legislative committees do not approve the plan, they would return it to the Water Planning Council with recommendations for changes, rather than have the committee make modifications to the plan and then send the revised version to the general assembly for approval. The bill then requires the general assembly to approve the plan, or it is deemed to be rejected. If the plan is not adopted by the general assembly, then the Office of Policy and Management must work with the Water Planning Council and submit relevant legislation from the plan so it can be considered on its own merits. This is a much better process than what is currently in place.

Thank you for your time and consideration in this matter.

Respectfully submitted,

Rachael M. Gaudio

142 Temple Street, Suite 305  
New Haven, CT 06510  
203.787.0646 ext. 108  
203.787.0246 fax  
[rgaudio@ctenvironment.org](mailto:rgaudio@ctenvironment.org)  
[www.ctenvironment.org](http://www.ctenvironment.org)

*Connecticut Fund for the Environment and Save the Sound*  
142 Temple Street • New Haven, Connecticut 06510 • (203) 787-0646  
[www.ctenvironment.org](http://www.ctenvironment.org) • [www.savethesound.org](http://www.savethesound.org)

March 7, 2016

ATTN; Senator Gerratana, Representative Ritter, and Public Health Committee members.

RE; H.B. PROPOSED BILL #5540

Dear Members of the Public Health Committee

Thank you for the opportunity to submit my testimony in support of H.B. Proposed Bill #5540.

I strongly support Proposed Bill #5540 which would give the Water Planning Council and legislators and opportunity to address and review legislators' concerns. Furthermore, I believe it would allow a valuable exchange to assess differences, provide invaluable clarification of any amendment language, and help resolve issues before a final vote.

Because decisions on water affect all of us and a wide range of agencies and stakeholders, this Bill is a productive way to assure a common ground of understanding before final legislative actions are taken.

Cordially,  
Ann Beaudin  
1009 Poquonock Avenue  
Windsor, CT





P.O. Box 271646  
West Hartford, Connecticut 06127

7 March 2016

**RE: Park Watershed comments:**

Public Health Committee      phtestimony@cga.ct.gov

To Whom It May Concern:

Park Watershed is a 501c3 urban-suburban watershed stewardship organization for Park River regional watershed, which stretches east of the Metacomet Ridge through MDC reservoir properties to the Connecticut River. West Hartford, Hartford and Bloomfield as well as parts of Newington, New Britain, Farmington and Wethersfield are within the Park River watershed. Our organizational goal is to improve the water quality and ecosystem health of water courses and water bodies that enhance neighborhood character even within high-density urban development. We recommend the Public Health Committee

- **Support – Raised Bill 5540, An Act Concerning The State Water Plan**  
This Bill is needed to ensure the Water Planning Council will be able to adjust the plan with respect to future issues raised in legislative committees, prior to a final vote.
- **Oppose – Raised Bill 300, An Act Concerning New Britain Water Company Land**  
There are many details to the Tilcon proposal that have not yet been clarified. Although the arrangement could will eventually yield long term benefits, the Water Planning Council ought to be involved in any modification to Connecticut's excellent protection of drinking-water lands. Increasingly municipalities are eager to negotiate significant public natural resources without adequate analysis of the short term impacts and long term consequences. Meanwhile, across the nation, municipalities and states that have not protected drinking water are realizing the crippling costs of damaged water quality.

Park Watershed agrees with testimony submitted by Rivers Alliance of Connecticut: the new quarry proposed by Tilcon on protected Class I and Class II public water-supply land, ought to be reviewed in the statewide, comprehensive water plan currently being developed by the Water Planning Council with input from a spectrum stakeholders.

We appreciate the opportunity to comment upon these bills.

Bests,

Mary Rickel Pelletier  
*Founding Director*

Park Watershed  
*a 501c3 urban-suburban citizen stewardship organization for the Park River regional watershed*

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Dear Representative Ritter, Senator Gerrantana, Representative Tercyak, and Committee Clerk Morgan,

I am writing to strongly encourage you to do what you can to stop three current threats to our drinking water. In the wake of the disaster in Flint, Michigan, I believe that we need to do everything we can to protect this vital resource, and can hardly believe that the three proposals are being considered. Clerk Morgan, I would greatly appreciate it if you can forward my comments to the other members of the Public Health Committee.

Two of these proposals have to do with commercial development in reservoir watersheds, which as I understand is currently rightly prohibited by state legislation. The first is the ill-conceived plan to put a gas pipeline through MDC reservoirs in West Hartford. Writing as a biologist, it seems that the displacement of soil and vegetation that would result from digging the pipeline would inevitably lead to destabilization and runoff into the reservoirs, and disrupt the continuity of the forested land that the pipeline traverses. New "edge" habitat along the pipeline would provide access to predators of forest birds' eggs and nestlings, and for birds that need uninterrupted woodland, would make the habitat unusable. Birds eat many insects that can damage and even kill trees, so keeping healthy bird populations will help to keep the whole forest healthy and playing its current role in stabilizing land and preventing erosion around the reservoirs. It is not even clear that a pipeline is needed, as we move increasingly toward renewable energy sources. Additionally, the precedent that would be set by this project would lead to an increasing onslaught of requests that would further threaten our drinking water supply.

The second is Tilcon's request for a 40-year lease to mine gravel in the Shuttle Meadow reservoir watershed. Again, runoff into the drinking water reservoir is a major threat; as a CCSU professor, that is the water that my students and I, as well as the rest of the town, are drinking. Forest habitat disruption there would be huge (the lease would cover 130 acres), with the same attendant problems as on the West Hartford reservoir property, and the same dangerous precedent setting.

The third threat is the MDC's proposal to sell huge quantities of water (at a discount, no less!) to a Niagara bottling plant to be constructed in Bloomfield. Considering how low the reservoirs and rivers have gotten in recent drought years, this seems like an incredibly bad idea. I don't understand why the MDC is looking for new, high-volume customers when out of the other side of their mouth they are encouraging citizens to conserve water. As a non-profit chartered organization, they should not be looking to make more money by threatening the water supply of the citizens who depend on them.

Thank you very much for your attention to these problems, and please keep me informed on your planned course of action on them.

Sincerely,

Sylvia L. Halkin, Ph.D.  
125 Arundel Ave.  
West Hartford, CT 06107



**Testimony**  
**Elizabeth Gara**  
**Connecticut Water Works Association (CWWA)**  
**Before the Public Health**  
**March 7, 2016**

The Connecticut Water Works Association (CWWA), a trade association of municipal, private and regional water companies, *supports* HB 5540 AN ACT CONCERNING THE STATE WATER PLAN.

Connecticut's public water suppliers are supportive of efforts to develop a state water plan to help guide decisions regarding the allocation and management of water resources. As stewards of the state's water resources, we understand the importance of a state water plan that appropriately balances the need for a safe, adequate supply of water for public health, safety and economic development with other water resources needs.

CWWA members are actively participating in discussions regarding the development of a state water plan and many serve as members of the Water Planning Council's (WPC) steering committee, the WPC Advisory Group, the Technical & Science Work Group and the Policy Work Group. We are confident that a state water plan will position Connecticut as a leader in the protection of public water supplies and the management of the state's water resources.

CWWA also actively supported Public Act 14-163, which directed the WPC to develop the state water plan. In reviewing the mechanism for approving the plan outlined in the statute, however, there were a number of questions raised that warrant further attention.

In particular, we are very concerned that the state water plan could be deemed approved if the legislature fails to act on the plan within the specified timeframe of 60 days. Unlike the State Plan of Conservation & Development, there is no requirement that this deadline runs from the time the legislature is even in session. It is troubling that a plan that may have significant implications for residents, businesses, municipalities, recreation, agriculture, and the environment could be approved by default without the opportunity for review and deliberation.

In addition, the approval process fails to include an appropriate mechanism for addressing revisions made to the plan by the legislative committees of cognizance. Pursuant to PA 14-163, the committees of cognizance must hold a public hearing on the plan and may approve, reject or modify the plan before it is submitted to the General Assembly for adoption. However, given the complexity of issues that may be included in the state water plan and the implications of even minor revisions to such a plan, any revisions should be directed to the WPC for its review and consideration. This is consistent with state agencies' rulemaking process.

HB-5540 addresses these issues and will ensure that the state water plan is approved by the affirmative action of the General Assembly and that any revisions to the plan strikes the appropriate balance intended under PA 14-163.



TO: Sen. Terry B. Gerratana and Rep. Matthew Ritter, Chairmen,  
And Honorary Members of the Public Health Committee

Testimony from Rivers Alliance of Connecticut  
Public Hearing, March 7, 2016, on

RB 5540, AAC THE STATE WATER PLAN

*Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.*

We write in support of RB 5540, which was first proposed last year by the CT Water Works Association (CWWA), together with Rivers Alliance of Connecticut. The legislative language has since been revised and vetted by a wide range of stakeholders in water policy. The purpose of the bill is to improve the likelihood that the important statewide water plan, currently being developed by the Water Planning Council (WPC), will be approved with the principles and processes inherent in the plan that the WPC developed.

Public Act 14-163 (re the state water plan) was carefully negotiated in almost all respects, but the plan's approval process, being considered last, with time running out, was not read with great care. The first concern that was brought to me the following year (by someone in the energy business, actually) was that the complicated timelines in the Act didn't seem to be implementable. We tried to work on that.

More serious was the CWWA concern that, under present law, the state water planning document, which will be created with great care and effort, could be substantially revised in the legislative committees of cognizance and then go straight to the floor for a final vote. Another possibility in the law is that the plan could be deemed approved if the General Assembly took no action. There is no way to predict at this time what the legislatively revised plan will look like. So automatic approval seems unnecessarily risky for all concerned. In summary, under PA-14-163, the state's official water plan, approved by the General Assembly, might differ in significant ways from the plan created by the WPC and shaped by public

comment and recommendations. Therefore, in this bill, we are asking that changes in the state water plan desired by the committees of cognizance be conveyed to the WPC in order to give the Council a chance to respond, very quickly, to the issues raised by legislators.

Finally, while worry over an eventual disapproval of the plan was not a key concern (given that we can't know whether we would like the plan or not), we did work on language to direct the Office of Policy and Management, in case of plan disapproval, to offer recommendations for changes in law or policy that would implement acceptable and useful aspects of the plan. Years of work should not be wasted.

Thank you for your attention,

Margaret Miner, Executive Director

Rivers Alliance of Connecticut

Litchfield CT



Aquarion Water Company  
714 Black Rock Turnpike  
Easton, CT 06612  
[www.aquarionwater.com](http://www.aquarionwater.com)

George S. Logan  
Director  
Environmental Management and  
Governmental Relations  
203-482-3504 phone  
203-330-4844 fax  
203-395-4810 cell  
[glogan@aquarionwater.com](mailto:glogan@aquarionwater.com)

**Testimony**  
**George S. Logan, Director-Environmental Management & Government Relations**  
**Aquarion Water Company**  
**Before the Public Health Committee**  
**March 7, 2016**

**RE: HB-5540 - AN ACT CONCERNING THE STATE WATER PLAN**

Aquarion Water Company supports HB-5540 which addresses current issues with the approval process. This bill will further strengthen the overall development of a state water plan as outlined in Public Act 14-163.

As a public water supply company based in Bridgeport, Connecticut, we serve more than 625,000 people in 51 cities and towns throughout Connecticut. Aquarion Water Company is the largest investor-owned water utility in New England and among the seven largest in the U.S. We strive to act as a responsible steward of the environment, assist the communities we serve and promote environmentally sustainable practices.

Currently, Aquarion Water Company actively participates in discussions regarding the development of the state water plan. We have a member seat on the Water Planning Council's (WPC) Policy Work Group. In addition, we support the efforts of the WPC's steering committee, the WPC Advisory Group, and the Technical & Science Work Group.

Aquarion Water Company is supportive of efforts to develop a state water plan that ensures the process is collaborative among stakeholder; relies on objective data and science; protects the environment; protects the availability of public water supplies needed for present and future public health, safety, and economic development needs.

HB-5540 ensures that the final version of the proposed state water plan is thoroughly reviewed/vetted by the WPC before it is sent to the General Assembly for approval.

We urge your support of HB-5540 to ensure that development of the state water plan is collaborative and transparent throughout the process and is approved by the affirmative action of the General Assembly.

Thank you.



93 West Main Street  
Clinton, CT 06413  
1-860-664-8055

Testimony of Connecticut Water Company  
Public Health Committee  
March 7, 2016

**RB 5540 AN ACT CONCERNING THE STATE WATER PLAN**

Connecticut Water Company is pleased to provide comments in support of **RB 5540 AN ACT CONCERNING THE STATE WATER PLAN**. We thank the committee for raising the bill and urge its adoption as an important step to drive success in the development of a State Water Plan, as required by PA 14-163.

As a public water utility, Connecticut Water serves approximately 90,000 customers or 300,000 people in 56 towns in Connecticut. We have long been stewards of the environment and strive to ensure that water resources are protected and our water utility operations are sustainable. We have been involved with various stakeholder groups over the years, working together to meaningful laws and regulations that balance all water resource interests.

We supported the passage of PA 14-163 that called for the development of a State Water Plan and have been actively involved in various stakeholder groups and committees, to support the efforts of the Water Planning Council (WPC) to develop a State Water Plan. We join with the various stakeholders who want to ensure that the plan is balanced and will provide adequate water supplies to meet the public health and safety needs of our residents, and support smart economic development in the state, while protecting the environment, and providing recreational opportunities.

As the process has unfolded, concerns have been raised by the water utilities, environmental advocates, and other representatives on the Water Planning Council Advisory Group (convened pursuant to Section 25-330 of the CGS) about the current approval process for the plan. The bill before you would address the following concerns with the current approval process that have been identified by those stakeholders:

- If the legislature fails to act to approve or reject the plan within 60 days, the plan would be deemed to be approved. It is troubling that no action could result in approval of something so important to the state. Further, the timeline is not limited to 60 days when the legislature is in session, so it is entirely possible the time could lapse unintentionally and the plan deemed approved – without any legislative review.

- After public hearing(s) on the plan submitted by the Water Planning Council, the joint standing committees may approve, reject, or modify the plan before it goes to the General Assembly for adoption. Carefully balanced provisions included in the plan could be revised or removed and significantly change the plan that is ultimately adopted by the legislature. There is no mechanism for any concerns or changes recommended by the Committees to be addressed or further reviewed by the WPC or the stakeholders involved in developing the plan. We would suggest the process be revised to return the plan to the WPC, similar to the process for the adoption of a regulation.

The proposed changes in the RB 5540 still provide timelines for action and safeguards against unreasonable delays. They provide for the plan to only be deemed approved if adopted by an affirmative action of General Assembly and not by default if the time lapses.

We don't believe the changes will significantly delay the process but will serve to increase stakeholder involvement, promote greater buy in, and improve the final plan and the intended outcome.

The stakeholders feel strongly that now is the time to make changes to the approval process, before the plan is drafted, and before various parties might find an advantage to a particular aspect of the approval process. It seems quite compelling that there are shared views and alignment of the broad group of stakeholders in support of the proposed change.

We appreciate your interest and urge your support of RB 5540. We stand ready to work with the Committee, the Water Planning Council and other stakeholders if there should be any suggested changes to the bill. Thank you.