

September 14, 2010

The Honorable Joan Hartley
The Honorable T.R. Rowe
Co-Chairs, Regulations Review Committee
Legislative Office Building
Hartford, CT 06106

Re: Proposed Stream Flow Regulations

Dear Senator Hartley and Rep. Rowe:

After extensive review and discussion, the organizations listed below, representing businesses, agriculture, municipalities, recreational organizations and water companies, urge you to reject the state Department of Environmental Protection's (DEP) proposed stream flow regulations. Although we continue to support the intent of stream flow regulations – to protect the state's aquatic life while providing for the public health, safety, agricultural and economic development needs of the state – we do not believe the regulations achieve the necessary balance sought by the legislature.

While DEP has made a number of changes to the regulations following the public hearing, we continue to have fundamental concerns that the proposed regulations as currently drafted:

- Severely undermine the amount of water available to meet the existing and future public health and safety needs of residents and businesses in many communities;
- Impose costly, burdensome requirements and potentially disrupt operations of businesses heavily dependent on adequate water supplies, including farmers, golf courses, manufacturers, car washes, ski areas, amusement parks;
- Impose an unfunded mandate on municipalities served by municipal water departments who will be required to comply with the regulations;
- Result in or exacerbate water shortages in some communities, leading to potential moratoriums on construction and economic development;
- Significantly increase water rates by requiring modifications to dams, distribution systems and, in many communities, the development of new water supplies, new or expanded storage capacity, treatment facilities, etc.;
- Lead to frequent and lengthy water use restrictions on customers which may be disruptive for certain business operations and residents;
- Undermine Connecticut's economic recovery by imposing an unworkable regulation on public water supplies that will create barriers to economic development in a number of communities throughout Connecticut;
- Exceed the Act's legislative mandate by including the regulation of groundwater supplies;
- Create great uncertainty for the regulatory community by imposing very subjective standards for groundwater structures that will be left to the interpretation of DEP staff and will be difficult to assess or plan for; and

- Divert financial resources and capital investments away from needed water infrastructure improvements.

According to DEP's own data, less than 1% of the rivers and streams have documented low flow impairments. Despite the limited nature of the problem, the revised regulations impose a sweeping regulatory scheme on every river and stream in Connecticut which will cost ratepayers, municipalities and state agencies hundreds of millions of dollars in compliance costs.

Although DEP made a genuine effort to revise the regulations by extending the timeframe for compliance and reducing the number of releases throughout the year, those changes do not adequately address the fundamental concerns that have been raised throughout the process.

Finally, the process for the classification of streams and the enforcement provisions are significantly flawed in that they lack appropriate legal remedies or appeals for parties who are adversely affected.

We therefore urge you to reject the proposed regulations and direct DEP to continue to meet with stakeholders to develop a balanced, workable approach to stream flow regulation that addresses these fundamental concerns.

We look forward to discussing this issue with you at your convenience. If you have any questions, please contact Elizabeth Gara, Executive Director, Connecticut Water Works Association (CWWA) at 860-841-7350 or gara@gmlobbying.com.

Thank you.