



Norwalk River Watershed Association, Inc.

New Canaan, Norwalk, Redding, Ridgefield, Weston, Wilton, CT; Lewisboro, NY

November 19, 2017

State Water Planning Council
c/o Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

RE: State Water Plan Draft Report Comments

Dear Water Planning Council Members,

The Norwalk River Watershed Association (NRWA) respectfully submits the following comments on the State Water Plan Draft Report. NRWA is a not-for-profit membership organization whose mission is to improve the water quality and fish and wildlife habitats of the Norwalk River watershed.

NRWA applauds the work of the Water Planning Council and supports the goal of creating a State Water Plan which will "Balance the use of water to meet all needs." However, in the Norwalk River Watershed, we have particular concerns about the way registrations currently allow some streams to be drained dry, and whether the Plan will address this problem. We believe conservation is the solution to dry streambeds and other problems in our watershed, and would like to see stronger guidelines for conservation in the Plan. We also would like to see strengthening of sections of the Report pertaining to private wells, which make up a large percentage of the drinking water supply in our watershed.

Water Diversions

NRWA supports the stated goal of Rivers Alliance that, under the Plan, it shall no longer be legal to dry up streams. We think the Plan should provide a foundation for reconciling the problems created by exemptions granted from the Connecticut Water Diversion Policy Act. NRWA supports required permitting for any diversion of water in order to ensure that environmental impact is evaluated in every instance. This should be part of any state water plan. We are very concerned that approximately 84 percent of allowed water takings for water supply are done through registrations, not permits, and that there is therefore no environmental review.

In the Norwalk River watershed, we experience the consequences of the fact that currently there is nothing to stop a registered user from egregious abuse of water sources. We continue to experience the extreme effects of diversion from the Comstock Brook, the second largest tributary to the Norwalk River. The South Norwalk Electric and Water Company is registered to remove up to 13 million

gallons per day from this stream, which leaves it completely dry most summers. For this native brook trout stream, this means:

Aquatic life suffers. The dispersal and migration of aquatic and semiaquatic organisms, including fish, amphibians, plants, microorganisms, and invertebrates that use both upstream and downstream habitats are disrupted. Every time the Comstock Brook dries up, the brook trout lose more than one mile of important habitat that might improve their chances of survival as climate change impacts the region.

Water quality suffers. The Norwalk River is placed at added stress in the summer as the cool, clean waters of Comstock Brook no longer reach the Norwalk to help lower temperatures and provide a refuge for the wild brown trout in the stream. Also interrupted are the physical, chemical, and biological connections between this headwater stream and downstream waters, which otherwise “interact via integrative processes such as nutrient spiraling, in which stream communities assimilate and chemically transform large quantities of nitrogen and other nutrients that otherwise would be transported directly downstream, increasing nutrient loads and associated impairments due to excess nutrients in downstream waters (WV DEP).”

The droughts over the last three years have compounded the problems caused by diversion of the Comstock. Permission to drain Comstock Brook was granted by city charter in 1874 and “grandfathered in” with registration in 1982. The result is that our watershed has no legal recourse for protecting this vital brook. Environmental impact evaluations should be part of state water planning at all levels. While NRWA recognizes the vital importance of protecting water sources for public utilities, we feel that it is in the best interest of the citizens of Connecticut to consider the sustainability of water planning with regard to the health of our rivers, streams, wetlands and aquatic life. Every plan should be a careful balance between the growing demand of water utilities and the minimum streamflow requirements of waterways.

Conservation

A vigorous and clear focus on conservation in the Plan is of vital importance to class A streams such as the Comstock Brook. While the Plan addresses conservation, it does not go far enough in calling for change. We ask that the Plan require that a state drought plan move forward for approval. After a decade in the works, it is time. We need a better drought plan in place *before* the next drought. The Plan states that droughts or other water shortages that harm streams must be addressed in planning. Such wording will not protect the Comstock Brook from continuing to run dry. While we understand the need to protect water supplies to households and businesses, having water available in pipes while streambeds are dry is not acceptable. Protecting in-stream flow requirements of high-quality streams should be a primary goal of the Plan.

The draft Plan gives only slight attention to one solution, the adoption of *enforceable* municipal water conservation measures. We need the municipalities

in our watershed to enforce local lawn-watering rules, for example, during droughts. Currently, however, if the town hasn't enacted an emergency water conservation ordinance, it can't enforce a lawn-watering ban or any other water conservation measures.

Private wells

We applaud that the Plan lists a number of actions which could improve management of private wells including more education, requiring well completion reports in digital format and converting older reports, and recommendations for periodic water testing for private wells. However, we hope that a final version of the Plan will include a more extensive discussion of the importance of water quality testing of private wells and a greater emphasis on the urgency of such testing for the protection of public health.

In our watershed recent findings of wells contaminated by petroleum products from buried oil tanks and from road salts point to a problem the extent of which we know very little. Some additions to the plan could be proposals for cost-effective ways to test private wells, such as support for homeowners to negotiate a group rate for testing. We hope that private well owners will be part of the discussion regarding this issue and that provisions for vigorous outreach to private well owners will be included. Finally, NRWA is concerned that private residential well owners do not have any legal protection if a nearby well pumps the local groundwater source dry. This should be acknowledged in the Plan, along with suggestions for how to find a solution.

Finally, when discussing the State Water Plan with our members, one thing we have noticed is that people don't understand who "owns" our water. We think the Plan should do more to emphasize that water belongs to all of us and not to the utilities, taxing districts or private well owners. We think the Plan should stress that water belongs to everyone in the state and to our collective futures, and the future beyond our lives, and that its principals should reflect that fact.

Sincerely,

Louise Washer
President, Norwalk River Watershed Association