

Dear Sen. Ted Kennedy Jr., Sen. Craig Miner, Rep. Mike Demicco and members of the Environment Committee,

I am writing on behalf of the Norwalk River Watershed Association (NRWA) to express our concerns about **SB 427: AN ACT CONCERNING PUBLIC TRUST COMPONENTS OF THE STATE WATER PLAN**. 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.

We are concerned that this bill proposes changes to the Connecticut Environmental Protection Act (CEPA), something we all rely on to protect our rights as citizens and to protect the environment we share. We are alarmed that this bill seeks to define well water as different from other water. As you know, all water is connected and comes from the same sources. The tenant that water is a public trust exists regardless of how we access that water. The public trust resource designated in existing law is water itself, not pipes, or wells, or pumps. How would private well water even be defined? The public trust doctrine is embedded in our law in many ways, and surely such an arbitrary and difficult-to-define exemption from that principle as this bill proposes would cause confusion at the very least and likely grave harm to the citizens of Connecticut.

We cannot see how it possibly makes sense to state, as this bill proposes: “It is hereby found and declared that there is a public trust in the air, water, except private drinking wells, and other natural resources of the state of Connecticut and that each person is entitled to the protection, preservation and enhancement of the same. It is further found and declared that it is in the public interest to provide all persons with an adequate remedy to protect the air, water, except private drinking wells, and other natural resources from unreasonable pollution, impairment or destruction.”

NRWA is already 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 State Water Plan, along with suggestions for how to find a solution.

NRWA opposes any challenge to current law which establishes that water belongs to all of us and not to utilities, taxing districts or private well owners. We think the legislature has a duty to protect CEPA and to ensure that water belongs to everyone in the state and to our collective futures, and the future beyond our lives. Therefore, NRWA strongly objects to this Bill and requests that it be denied.

Thank you for the opportunity to provide these comments.

Sincerely,
Louise Washer, President
Norwalk River Watershed Association