

Please find attached comments on your proposed Streamflow Classifications in the southeastern Connecticut region. A hard copy has been mailed to Mr. Robert Hust.

Thank you.

James S. Butler, AICP
Executive Director
Southeastern CT Council of Governments
860-889-2324

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/E-Mail: office@seccog.org

23 December 2013

Robert Hust
Connecticut Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Hust:

Subject: Public Notice of Proposed Stream Flow Classifications
Southeast Coastal, Pawcatuck and Thames Major River Basins

The Southeastern Connecticut Council of Government (SCCOG) is a regional planning organization with representatives from twenty municipalities, formed to provide a basis for intergovernmental cooperation in dealing with a wide range of issues facing southeastern Connecticut. Statutorily assigned duties of a council of governments include making a plan of conservation and development for the region; assisting municipalities within the region, as well as state and other public and private agencies; and performing a variety of advisory review functions. Under federal transportation law, SCCOG functions as the region's Metropolitan Planning Organization (MPO), responsible for coordinating transportation planning in southeastern Connecticut. Another essential function that SCCOG provides in the region is to serve as the region's water planning entity, which it does through its Regional Water Planning Committee, assisted by its Technical Subcommittee consisting of representatives from the major public water suppliers in the region.

In conjunction with this water planning function, the SCCOG has reviewed the stream flow classifications proposed for the Southeast Coastal, Pawcatuck, and Thames major river basins (Thames basin) by the Connecticut Department of Energy and Environmental Protection (DEEP). The methodology followed by the DEEP in assigning the classifications appears to have deviated from the Streamflow Standards and Regulations promulgated by DEEP and approved by the Legislative Regulations Review Committee in November, 2011, as the DEEP has not strictly abided by the language in these Regulations. The implementation of the methodology has not been consistent and has produced some unexpected results. Of greatest concern, as the region's planning agency, is how these classifications will be used in the future from a land planning and development perspective.

An example of a liberty taken with the regulation language is the exclusion of any Class 4 stream designations. Class 4 designations are defined in the regulation to “exhibit substantially altered stream flow conditions caused by human activity to provide for the needs and requirements of public health and safety, flood control, industry, public utilities, water supply, agriculture and other lawful uses ...” with a series of societal needs, economic costs, and environmental impacts to be considered when designating this classification. In developed areas where such water bodies were routinely used for societal needs, it is difficult to imagine that no stream segment within the region would be designated as Class 4. Instead, the DEEP apparently pushed the burden of proof that such societal needs exist on others.

Another deviation taken by DEEP is the exclusion of Margin of Safety as a factor for consideration in the segment designation as required in the Regulation. As the region’s agency responsible for long-term water planning, margin of safety of existing supplies is of critical importance both for existing supplies as well as economic growth that comes with the availability of an adequate supply of high quality water. To exclude this important factor as not being readily available and therefore not considered is an injustice to the needs of water for human uses.

By DEEP’s admission, there are nearly 1,700 river or stream segments classified within the Thames basin. Many of the municipalities within the region are small with limited staff and resources. It is very difficult to evaluate each and every segment within the time allocated and to predict the impact of such designation on future land use activities. This is especially true when the future use of these designations is undefined. Before implementation of the classifications, it is critical that DEEP describe how they intend to use this information in the future and for what purpose.

Our municipalities and their water purveyors have expressed concerns about specific issues and we have encouraged them to highlight their issues during this public comment period. Based on comments we are aware of to date, we believe there has not been enough time to evaluate all the segment designations, the methodology used has been flawed due to DEEP not adhering to its own Regulations, and the long-term implications of the designations must be fully disclosed. Without proper and consistent implementation of the regulations and full disclosure of the intended use, we must respectfully request that DEEP delay going forward and finalizing the classifications at this time.

Sincerely,

Robert Congdon, Chairman
SCCOG Regional Water Committee


Chris Clark, Chairman
SCCOG Regional Water Committee
Technical Subcommittee