



May 3, 2021

Office of Adjudications  
DEEP Headquarters  
79 Elm Street, 3rd Floor  
Hartford, CT 06106

**Re: Draft Permit No DIVC-202004971**

Thank you for the opportunity to comment on the draft Water Diversion Permit that would modify Permit No. DIV-97-13 to increase the transfer of public water supply from the Greater Bridgeport System (GBS) to the Southwest Fairfield County Region (SWFCR.)

**Rivers Alliance asks that DEEP make alterations to the length of the permit and decrease the total amount of water that can be transferred.**

Rivers Alliance does not dispute the need to increase the transfer of water to the SWFCR. Increasing the amount of water that can be transferred will allow Aquarion to meet streamflow requirements for the reservoirs in the SWFCR and minimize the need to utilize offramps for streamflow requirements during drought.

SWFCR is also a very “thirsty” region. Per capita peak demands are some of the highest in the state, currently at 81 gallons per capita per day for residential use. Aquarion has worked hard to implement year-round conservation measures in SWFCR towns and has some of the best conservation messaging and education of any utility in the state. Rivers Alliance has shared some of their messaging with our members during the last drought.

I also want to acknowledge Aquarion’s transparency and outreach on this project and the proposed permit. Their willingness to hold several meetings with stakeholders as well as two public information sessions is appreciated. I thank DEEP for their willingness to host the information sessions.

However, **authorizing an increase of 6.94 mgd (nearly double the current allowance of 7.26 mgd in DIV-97-13) for a period of 25 years may have consequences that can be avoided if the permit were reduced to a more abbreviated term of 10-15 years and authorize an increase of 2 mgd that would allow for reach Phase 3 of the SWRPL project.** Toward the end of the permit, DEEP will have an opportunity to evaluate demand projections and need for future investment in the infrastructure for the 5 mgd increase for Phase 4 and perhaps allow for

amore expedited permit process if certain conditions are met.

**Our two primary concerns with a near-doubling of the amount transferred between GBS and SWFCR are a lack of incentive for the SWFCR communities and customers to participate in conservation programs and an “overbuild” of costly infrastructure if demand projections are not realized.**

### ***Conservation Apathy***

It’s human nature to give little thought to utilizing resources we have in abundance yet carefully budget resources that are in limited supply. Some of the success of implementing two day per week watering schedules in the lower Fairfield County communities can be attributed to necessity.

Many of us who pay close attention to water supply will never forget hearing that Greenwich had only 6 weeks of water supply left in September of 2016 nor will anyone who travels the Merritt Parkway forget seeing the miles of temporary pipeline along the parkway. To be sure, this situation demonstrates the need for the increase. However, if significantly more water is available than the region needs, there will be very little incentive for communities and customers to conserve water.

The per-capita residential demand for the SWFCR is 81 gallons per day -- one of the highest in the state. Aquarion has set a goal of reducing demand in the area to 70 gallons per capita per day (gcpd) for the region. This is a 13.5% decrease in demand. The state water plan, however, estimated that the region is capable of reducing demand by 23.8% through installation of ultra-efficient fixtures and appliances and a 20% reduction in outdoor water use. This would bring the per-capita residential demand down to 62 gallons per day which is actually more in line with current per-capita residential demand in many communities across the state.

**Two day a week watering has reduced peak demand but aggressive conservation measures and water use BMPs must continue to be implemented in the region to achieve a more sustainable level of water demand.** During the drought of this past summer and fall, lower Fairfield County had the highest amount of precipitation in the state. Fairfield County was never elevated above Stage 1 drought -- essentially a “head’s up” level of drought. Yet due to demand, Aquarion had to impose tighter restrictions than other utilities in regions across the state much sooner and for a longer period of time. On January 8<sup>th</sup>, the Interagency Drought Workgroup determined that the state was no longer in drought. Yet at that time, the Greenwich system was only at 62% of normal for supply for this time of year. This had more to do with demand than lack of precipitation.

SWFCR must continue to implement conservation measures to reduce their above average demand per capita. Two day a week watering programs will not be enough and Aquarion has acknowledged that any stricter measures, such as one day a week restrictions, on their part would be inequitable. **Long-term solutions such as LEED, green infrastructure and water reuse**

**must be aggressively pursued.** The ability to implement such programs are largely out of the hands of the utilities and state requirements would be met with much resistance. The towns themselves will be responsible for driving these initiatives forward toward more sustainable water use.

Aquarion's control over implementing conservation measures and drought restrictions becomes even more dissipated as the up to 5 mgd crosses the state line to Suez Westchester customers in New York.

### ***Beware of the "overbuild"***

Infrastructure is expensive and the conversations about water affordability have only begun to get started. We live in a region where infrastructure, in general, is at the end of its useful life span. The cost of maintenance and replacement often places a burden on rate payers.

At the same time, water utilities have the responsibility to ensure that they have enough water and the infrastructure to provide the water to the communities they serve. With that in mind, overestimating demand may seem prudent - which is Aquarion's justification for using DOT population projections as opposed to Connecticut State Data Center projections. The Connecticut State Data Center projects a very modest increase in population of less than 5% for the region over the next 40 years while the DOT projects a 12% increase.

**How do we meet demand without spending tens to hundreds of millions on infrastructure based on speculation?** This is our justification for reducing the increase to 2 mgd and permit term to 10-15 years. With the 2020 census numbers soon to be released and time to gather enough data on conservation programs to get a better picture of demand projections, both Aquarion and DEEP can determine with better certainty if the investment in the infrastructure is necessary and avoid large rate hikes to pay for more water than the region needs.

Additional Concern -- Registered Groundwater Withdrawals: All three of the wellfields that will be tapped to supply the SWRPL are registered diversions. There is currently no statutory or regulatory mechanism in place to prevent impairment of surface water from registered groundwater withdrawals. There is also no formal public process where the public can participate in any state agency action to resolve such impairments through agreements. DEEP should impose conditions that places responsibility for monitoring adjacent streams for impairment and making operational changes to rectify impairments on the utility in the diversion permitting process with notification to DEEP and the public.

Furthermore, DEEP should take into serious consideration the recommendation from many local groups that have requested streamflow gages in both the GBS and SWFCR service areas.

Section 22a-366 of Connecticut's General Statutes, which is the Legislative Finding for Connecticut's Water Diversion Policy Act states

*In recognition that the waters of Connecticut are a precious, finite and invaluable resource upon which there is an ever increasing demand for present, new and competing uses; and in further recognition that an adequate supply of water for domestic, agricultural, industrial and recreational use and for fish and wildlife is essential to the health, safety and welfare of the people of Connecticut, it is found and declared that diversion of the waters of the state shall be permitted only when such diversion is found to be necessary, is compatible with long-range water resource planning, proper management and use of the water resources of Connecticut and is consistent with Connecticut's policy of protecting its citizens against harmful interstate diversions and that therefore the necessity and public interest for sections 22a-365 to 22a-378, inclusive, and the protection of the water resources of the state is declared a matter of legislative determination.*

It's DEEP's statutory responsibility under the Diversion Policy Act to ensure that any diversions or transfers are compatible with long-range resource planning. For the reasons described above, Rivers Alliance asks that DEEP make alterations to the length of the permit and decrease the total amount of water that can be transferred.

Thank you, again, for the opportunity to comment on this permit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alicea Charamut', written in a cursive style.

Alicea Charamut  
Executive Director