

RESEARCH PROJECT PARTIAL TECHNICAL COMPLETION REPORT

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Institution University of Connecticut Date of Report November 1, 1969
OWRR Project No. A-012(CONN) OWRR Agreement No. 14-01-0001-901
Project Title: Integration of Connecticut Water Rights Laws and Pollution
Control Laws
Principal Investigator(s) Theodore Focht, Robert L. Leonard and Robert Reis
Project Began (Mo. - Yr.) July 1966 Project Ended (Mo. - Yr.) June 1969
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PROJECT OBJECTIVES:

- (1) Preparation of a detailed and exhaustive review of existing water law in Connecticut.
- (2) Development of criteria for evaluating water laws and institutions.
- (3) Identification of changes in statutory law and administrative structure needed to facilitate more intensive utilization of water resources.

ACHIEVEMENT OF PROJECT OBJECTIVES:

Objective of exploring administrative regulation was achieved. Particular attention was focused on the Water Resources Commission and the Department of Health in Connecticut.

RESEARCH PROCEDURES USED:

In general, the statutes and regulations of the State of Connecticut were examined to review the overall structure.

Interviews were held with officials of the Water Resources Commission and the Department of Health. After their authority was understood, examination was undertaken to discover how they exercised their authority. The examination led to a study of how they handled, administratively, specific cases. This ultimately led to the selection of two representative cases to study in depth. 1) The Ansonia-Derby-Shelton, Connecticut Municipal Sewage Treatment Facility, and 2) The Federal Paper Board Company, Inc., Versailles, Connecticut.

These two cases were examined in considerable detail, both by study of the

administrative files of the matters and by personal interviews with individuals, both State officials and private individuals, who had knowledge of the matters under study.

Finally, the Water Pollution Control Act of 1967 (Connecticut Public Act 57) was examined to see what effect it may have on future developments in this area.

RESULTS OR CONCLUSIONS:

The Water Pollution Control Act of 1967 should have a significant effect on future administrative regulation of water resources -- especially in the area of water pollution. There is now expectation of increased staff for the agencies fighting the problem of water pollution, and this, coupled with consolidation and unification of responsibility, should give new direction to the State's efforts to solve this vexing problem.

Experience (for example -- that documented in the two case studies presented) would seem to establish that the administrative agency must take a more aggressive stance to the problem. The increased authority provided by the 1967 legislation will aid the agency significantly and should provide them with the tools they need to handle the problem. Indeed, there is some indication that the new legislation had already had impact in moving towards a resolution of the industrial waste pollution problem studied in Case Study II. Happily, the municipal sewage treatment experience, examined in Case Study I, had already been acceptably dealt with by the agency.

LIST OF PUBLICATIONS:

"Connecticut's Administrative Control of Pollution - The Fluid Administrative Process", Water Resources Research Report No. 8, Institute of Water Resources, Storrs, Connecticut, August, 1969, by T. H. Focht

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ABSTRACT:

Connecticut, although one of the earliest states to legislate in the area of water pollution, for many years has attempted to deal with the problem with only a minimal administrative regulatory scheme. Case studies of the Ansonia-Derby-Shelton municipal sewage treatment facility and the Federal Paper Board Company, Inc., industrial waste pollution establish that the process of correcting water pollution sources tends to be very slow and that polluters can

delay steps to correct the problem. In the area of municipal sewage there are further complexities caused by dual responsibility and authority in the Water Resources Commission and the Department of Health.

The Water Pollution Control Act of 1967 should prove to be a significant step in Connecticut's fight to conquer the water pollution problem. The Act provides increased authority and funds to the administrative agencies to deal with these troublesome problems.

KEYWORDS:

municipal sewage treatment
industrial waste pollution
*Administrative Regulation
*Water Pollution