

Meeting Minutes
Western WUCC Convening Meeting
Brookfield Municipal Center – 100 Pocono Road, Brookfield, CT
September 13, 2016 10:00 AM

The Western Water Utility Coordinating Committee (WUCC) held a meeting on September 13, 2016 at 10:00 a.m. at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut. Prior written notice of this meeting was given via emails from the Department of Public Health (DPH) to eligible WUCC members, chief administrative officials, local health directors, town clerks, the Secretary of State, state agencies (OPM, PURA, DEEP, CT Office of Consumer Counsel, CT DOT, CT DECD, the Commissioner of Agriculture), and other interested persons. Notice of the meeting was also posted on the DPH website <http://www.ct.gov/dph>.

The following WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

WUCC Member Representative	Affiliation
Dan Lawrence (Co-Chair)	Aquarion Water Company
Matthew Knickerbocker	Town of Bethel, First Selectman
Brittany Swanson	Town of Bethel, Water Department
Dr. Raymond Sullivan	Town of Brookfield Health Department
Russ Posthauer (Co-Chair)	Candlewood Springs Property Owners Assoc.
Dave Connors	Connecticut Water Company
David Day	Danbury Public Utilities
Joanna Wozniak-Brown	Northwest Hills COG
Meghan Sloan	Metropolitan COG
David Banker	Metropolitan District Commission
Carol Youell	Metropolitan District Commission
Aaron Budris	Naugatuck Valley COG
Mike Crespan	Town of New Milford, Health Director
Donna Culbert	Town of Newtown
Scott Halstead	Town of Oxford
Gregory Bleau	Southbury Training School
Lori Vitagliano	South Central CT Regional Water Authority
Tom Villa	South Norwalk Electric & Water
Chris Bogucki	Waterbury Water Department
Curtis Read	WestCOG

The following non-WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

Non-WUCC Member Representative	Affiliation
Melissa Czarnowski	CT Department of Energy & Environmental Protection
Robert Hust	CT Department of Energy & Environmental Protection
Eric McPhee	CT Department of Public Health
David Murphy	Milone & MacBroom, Inc.
Margaret Miner	Rivers Alliance

A copy of the meeting agenda is attached. The following actions took place:

1. Welcome & Roll Call

The Chairs opened the meeting at 10:05 AM. The chairs requested a roll call of attendees.

2. Review of July Meeting Minutes

Mr. Lawrence began by the discussion by mentioning the availability of the draft minutes of the Western WUCC meeting on the DPH website. Mr. Lawrence asked if there were any comments or changes from the floor. No comments/changes were received. Mr. Sullivan moved to approve the amended meeting minutes. Mr. Posthauer seconded. All members voted in the affirmative.

3. Review of Formal Correspondence

Mr. Lawrence discussed the following correspondence which the WUCC received, sent or was copied on:

- AJ's Steak & Pizza - Aquarion Water Company letter to CT DPH in support of TNC system development.
- Southbury Elderly Housing EIE – Lori Mathieu, CT DPH letter provided comment on the notice of an Environmental Impact Evaluation for the development of elderly housing in Southbury. David Murphy provided a brief summary of the project and Milone & MacBroom role as author of the EIE and Record of Decision under contract with the Town of Southbury. The project is in initial stages with construction several years away.

- Pending non-community public water system applications – Email from DPH discussing two active CPCN applications within the Western WUCC region. The developments included the following:
 - GR Arts & Care Building in Stamford
 - The Lake House in Wolcott

Consensus among the members that both developments would appear to require long water main extensions for small domestic water demands. No action was taken at this time; it was unclear if the applicants had yet approached bordering utilities/ESA holders

- WUCC Letter to State Agencies accompanying Draft Preliminary Water Supply Assessment (PWSA) – WUCC issued letter on 9/9/2016 accompanying the Draft WPSA for review by state agencies
- Formal Communication from Rivers Alliance of CT – An email was received from Rivers Alliance accompanied by a letter and CT General Statutes excerpt. Margaret Miner provided a summary of the email and letter, including the following points:
 - WUCCs should consider environmental review and issues prior to ESA assignment
 - Process for redrawing/altering established ESA borders once approved
 - Availability of PWSA for state agency and public review

Mr. Lawrence stated that the Draft PWSA was made available to agencies for review on 9/9/2016 and it is the intent of the WUCC to vote to release the PWSA for public comment at today's meeting.

A copy of the above correspondence is attached.

4. Public Comment

The Chairs opened the public comment period.

- Margaret Miner questioned the availability of data and the ability to review comment/changes made prior to the public draft PWSA. Mr. Lawrence requested to table this discussion until Item 8 “Other Business” on the agenda.

5. ByLaw Amendment

Mr. Lawrence reviewed the publicly posted proposed bylaw amendments. No comments were received. Mr. Sullivan moved to accept the bylaw amendments as proposed. Mr. Posthauer seconded, and there was a unanimous vote to accept the bylaws as amended.

A copy of the amended bylaws is attached.

6. Preliminary Water Supply Assessment – Discussion & Vote for Approval to Release for Public Comment Period

- Mr. Murphy made a presentation including the following items:
 - Review of members which provided comment on draft PWSA
 - Review of Town participants in survey of water system needs
 - Items to address prior to issue of public comment draft PWSA
 - Items deferred to Final WSA
 - Schedule for review and adoption of WSA
- Mr. Hust asked if areas of groundwater contamination will be considered in the PWSA, Mr. Murphy responded affirmative if this information can be provided by DEEP.
- Mr. Lawrence discussed the heat map location in Section 4 of the PWSA. The map could be more useful if it included town survey results, contamination and lack of supply in addition to small system density
- Mr. Murphy stated that many of these items are also included in the small system Capital Assessment Tool (CAT), with the results included in the PWSA.
- Mr. Crespan asked whether feasibility was considered in the suggested/potential interconnections included in the PWSA. Mr. Murphy answered that the connections are suggested due to proximity of systems in the PWSA. Feasibility was not considered in the PWSA, but will be considered in the Integrated Report.
- Mr. McPhee suggested looking at locations where new systems were proposed but needed to be scaled back due to capacity and sanitary restrictions, such as East Hampton.
- Ms. Wozniak-Brown asked if the PWSA could include descriptions of small community water systems, similar to what was provided for large systems. Mr. Murphy stated that the same level of information is not available for small systems. There may be a way to aggregate the issues with small systems based upon the CAT scores, and Mr. Murphy encouraged the WUCC members to offer suggestions for how to best accomplish this.
- Mr. Hust stated that the CAT should consider environmental sustainability, since several small systems tapping into the same aquifer may affect the aquifer.

- Ms. Sloan asked if the WUCCs would identify best practices for small systems. Mr. Murphy replied that one of the planned outcomes of the WUCC process is improved standards for small systems.
- Mr. Banker asked if the POCD and zoning sections of the PWSA should reflect all town references to watershed lands/protection in the town. The MDC has watershed lands in Burlington, Hartland and New Hartford, but these were not referenced in the zoning/POCD sections of these towns. Mr. Murphy responded that they should be reflected in this section of the PWSA.
- Ms. Youell stated that the Municipal Build Out table in the PWSA was difficult to follow and compare between towns, and effort should be made to standardize the format and information. Mr. Murphy stated that the information in the town POCD's cannot be presented in a standardized format, and the information available between plans vary.
- Ms. Sloan stated that the municipal POCD's should reflect the town's priority. As such, we cannot necessarily compare POCD's together easily for the development of a standardize format.
- The members expressed a desire to post the WSA development schedule to the WUCC webpage. Mr. Lawrence also expressed an interest in posting the presentations from the meetings to the webpage. The officers will follow up with DPH to address.
- Ms. Wozniak-Brown asked if DEEP had information available for the location of contaminated groundwater plumes and existing contamination consent decrees. Mr. Hust replied that maps of the contamination plumes should be available and he would look into the availability of other information.
- Mr. Connors made a motion to approve the Draft PWSA as amended at today's meeting for release to the public for comment. Mr. Sullivan seconded.
- Discussion ensued regarding how to distribute the draft for public review. A link will be made available on the WUCC webpage on DPH's website for download of a PDF copy of the plan. In addition, an email will be sent to WUCC members, municipalities and interested parties with a cover letter and a link to download the draft PWSA.
- Ms. Miner asked if printed copies of the PWSA would be made available. After discussion, consensus was reached that regional Councils of Government (COG) would have a printed copy available in their offices for review at the office.
- Ms. Sloan asked if the COGs would need to print a copy to have available for review. Mr. Lawrence asked the CPGs to print a copy to have available.
- Ms. Miner asked to add that the COGs will have a copy of the PWSA for review to the cover letter which will be provided.
- The WUCC members voted unanimously to publish the draft PWSA as amended for public comment.

7. Certificate of Public Convenience and Necessity (CPCN) Process

- Mr. McPhee informed the WUCC that as of the end of this month, the CPCN process will be primarily managed by DPH, taking some tasks which were previously managed by PURA, and the PURA docket system for CPCNs will be retired. DPH will be working to develop improved documents to guide applicants through the CPCN process.
- Mr. Hust asked what happens with applicants with established ESA's versus if no ESA is present.
- Mr. Lawrence stated that if no ESA is present, then there is a discussion with the WUCC. If an ESA is present, then the first step should be the applicant contacting the ESA holder.

8. Other Business

- The WUCC resumed the discussion of making prior drafts available for public review. To date, three draft versions have been made available to WUCC members for review.
- Mr. McPhee stated that if any prior drafts are made available, it needs to be clear what the current draft is, and what the correct numbers are.
- Mr. Posthauer stated that the updates are minor and would most likely cause more confusion when the current version of the PWSA is available for comment.
- Mr. Sullivan asked if the WUCC would need to vote to release the drafts, if this was decided. Mr. Lawrence stated that this would require a vote of the WUCC.
- Ms. Wozniak-Brown stated that traditionally state and regional plans do not track and make available comments prior to the public comment period. Once the plans are issued for public comment, then comments received are maintained and made public.
- Mr. Lawrence stated that the comments and changes made to prior drafts of the PWSA are minimal and needed to provide updated water demand and system data.
- Consensus was reached among members that the WUCC considers comments prior to the issuing the public comment draft to be internal/staff comments. Moving forward, PWSA comments received from the public comment period forward will be publicly available.
- Ms. Wozniak-Brown asked if there was any way the WUCC could keep track of CPCN's received and/or discussed at the WUCC meetings. Mr. Lawrence replied that he officers would work together to develop a log of CPCN's when information is received by the WUCC.
- Mr. Sullivan asked how the PWSA and plans moving forward will handle population projections when DOT projections differ from the projections of the State Data Center (SDC). Mr. Murphy cited the different planning time period between DOT and SDC as a contributing factor to differing projections.
- Ms. Miner asked if the SDC has updated data available and has it been included in the plan. Mr. Murphy stated that the SDC data included in the plan is up to date, but revised projections are anticipated in the next few months.
- Mr. Lawrence stated that the location of development/population growth within towns can be critical. If the growth is concentrated development in one location or spread out throughout the town can be a deciding factor if water system development is needed
- Mr. Hust suggested showing any differences in population projections as a range in the PWSA
- Ms. Youell suggested utilizing UConn CLEAR website as a data source. Mr. Murphy stated that the SDC is located at UConn and he believes utilizes the same data.

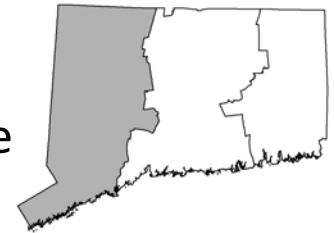
As there was no more business, the Chairs requested a motion to adjourn. Mr. Posthauer made a motion to adjourn. Mr. Villa seconded the motion. The motion passed unanimously and the meeting closed at 11:45 AM.

The next scheduled Western WUCC Meeting is scheduled for Tuesday October 11th, 2016 to be held at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut.

Respectfully Submitted,

David Banker, Recording Secretary – Western WUCC

Western Region
Water Utility Coordinating Committee



Meeting Agenda
September 13, 2016
Location: Brookfield Town Hall
Time: 10:00 a.m. to 12:00 p.m.

Russell Posthauer, Jr., Co-Chair
russellposthauer@ccaengineering.com
203-775-6207

Daniel Lawrence, Co-Chair
DLawrence@aquarionwater.com
203-362-3055

David Banker, Recording Secretary
DBanker@themdc.com
860-278-7850 Ext. 3650

1. Welcome & Roll Call (5 Minutes)
2. Review and Approval of August Meeting Minutes (5 minutes)
3. Review of Formal Correspondence (10 minutes)
4. Public Comment (10 minutes)
5. Discussion and Vote on Posted Bylaw Amendment (15 minutes)
6. Preliminary Water Supply Assessment – Discussion & Vote for Approval to Release for Public Comment Period (45 minutes)
7. Certificate of Public Convenience and Necessity Process (10 minutes)
8. Other Business (15 minutes)



AQUARION
Water Company

Stewards of the Environment™

August 10, 2016

Mr. Eric McPhee
Supervising Environmental Analyst
CT Department of Public Health
Drinking Water Section
410 Capitol Avenue,
MS #51 WAT
P.O. Box 340308
Hartford, CT 06134-0308

Re: A.J's Steak and Pizza Restaurant
171 Torrington Road
Goshen, CT

Dear Mr. McPhee:

Aquarion Water Company (AWC) has received your letter dated August 9, 2016 related to a proposed new water supply at the above address. The proposed water system for the business located at 171 Torrington Road would be classified as a transient non-community water system if run as an independent water system with a water system average daily demand of 2,700 gallons per day as we have discussed.

AWC has reviewed our records and available water within the Litchfield Water System and could provide service to the proposed project. However, the connection of the proposed project would require the installation of approximately 2.6 miles of water main and a pump station to connect to the Litchfield Water System. The estimated cost of this extension to the developer is more than \$4 million and such a long water main with low demand could create water quality problems.

Based on the information provided and the limited water demand associated with the proposed project, the extension of the water main to the Litchfield Water System is likely cost prohibitive to the owner at 171 Torrington Road.

AWC would support the Department of Health permitting the water supply at 171 Torrington Road as a new transient non-community water system due to the high costs that would be required to connect to the Litchfield Water System.

If you have any questions please feel free to give me a call at (203) 362-3055.

Very truly yours,



Daniel R. Lawrence, P.E.
Director of Engineering

c: Western WUCC

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor

Nancy Wyman
Lt. Governor

Drinking Water Section

August 19, 2016

Jeff Bolton
Department of Administrative Services
Division of Construction
165 Capitol Avenue, Room 483
Hartford, CT 06106

Re: Notice of EIE for Southbury Affordable-Elderly Housing Development

Dear Mr. Bolton:

The Department of Public Health (DPH) Drinking Water Section (DWS) has reviewed the above referenced Notice of EIE. The proposed action includes disposition of a 45-acre state-owned parcel to the Town of Southbury. The Town intends to lease the parcel to Pierce Hollow Village, Inc., a non-profit organization, for the development of senior housing. This EIE was triggered by the land transfer per SA#13-23.

The DWS provided comments on December 19, 2013 regarding the Notice of Scoping (NOS) for this proposal. It appears that "Parcel 1" from the NOS is the selected option for siting the development. At the time of the NOS, the DWS had no comments to provide regarding Parcel 1, however the EIE provides additional information that the DWS would like to address. Please note the following comments for inclusion in the final EIE:

- A review of the DWS data and the appended figures in the EIE indicates that the extreme northwestern corner of this property is likely to be within the Level A Aquifer Protection Area (APA) of the Southbury Training School well field, source of public drinking water for the residents and employees of the Southbury Training School (PWSID# CT1300011). The boundaries of the APA that fall within this parcel should be identified on plans. It is requested that a conservation easement protecting the source of public drinking water be placed upon any land that is within the APA.
- Public drinking water for the existing parcel is provided by the Southbury Training School; however the EIE indicates that Heritage Village Water Company will ultimately



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410 Capitol Avenue, P.O. Box 340308, MS#51WAT
Hartford, Connecticut 06134-0308

www.ct.gov/dph/publicdrinkingwater

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Mr. Bolton
August 19, 2016
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provide water service to the development. This proposed arrangement must be raised before the Western Water Utility Coordinating Committee (Western WUCC).

If you have any questions, you may contact Eric McPhee of my staff at the number below.

Sincerely,



Lori J. Mathieu
Public Health Section Chief
Drinking Water Section

Cc: Gregory D. Bleau, Southbury Training School
Daniel Lawrence, Aquarion Water Company, Co-Chair, Western WUCC
Russell Posthauer, Candlewood Springs Property Owners Assoc., Co-Chair, Western WUCC
Raymond F. Adamaitis, Heritage Village Water Company
David Radka, Connecticut Water Company
Christopher J. Bogucki, Waterbury Water Department

Banker, David

From: Daniel Lawrence <DLawrence@aquarionwater.com>
Sent: Wednesday, September 07, 2016 11:45 AM
To: 'Mcphee, Eric'; russellposthauer@ccaengineering.com
Cc: Banker, David; Iozzo, Richard; Smith, Mandy; Dave Murphy
Subject: RE: Western WUCC PWS developments

Can you please send me the applications and maps? We should be bringing these to the WUCC for informational purposes.

Daniel R. Lawrence, P.E.
Director of Engineering and Planning
Aquarion Water Company
600 Lindley Street
Bridgeport, CT 06606
office: 203-362-3055
mobile: 203-223-0607
email:dlawrence@aquarionwater.com

From: Mcphee, Eric [<mailto:Eric.Mcphee@ct.gov>]
Sent: Wednesday, September 07, 2016 11:11 AM
To: russellposthauer@ccaengineering.com; Daniel Lawrence
Cc: Banker, David; Iozzo, Richard; Smith, Mandy; Dave Murphy
Subject: Western WUCC PWS developments

Hi Russ and Dan,

I have two public water system developments that are underway that I wanted to notify the Western WUCC of:

- GR Arts & Care Building located at 1086 Long Ridge Road in Stamford. According to our GIS, it appears to be approximately 0.5 miles away from Aquarion's system on the north side of the Merritt Parkway. It will house a single building to be used as retail and a medical office with an average daily demand on 1054 gallons per day based on their application. The well has been approved and developed but final approval has not been issued.
- The Lake House in Wolcott (66 Central Ave.) is a redevelopment of a property that was formerly a public water system. The existing source is proposed to be used but everything else on the property has been razed. It will be a banquet facility. It is approximately 0.9 miles from Regional Water Authority service and approximately 0.9 miles to Waterbury Water Dept.

Please let me know if you need additional information.

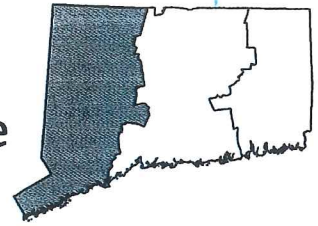
Eric McPhee
Supervisor - Source Assessment/Protection Unit and Water Utility Coordinating Committees
Connecticut Department of Public Health - Drinking Water Section
(860)509-7333
www.ct.gov/dph/publicdrinkingwater
[SWP Unit Fact Sheet](#)
www.ct.gov/dph/wucc

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Western Region Water Utility Coordinating Committee



September 9, 2016

Via Electronic Mail

To: State Agency Representatives:

Mr. Rob Klee, CT DEEP, Commissioner
Ms. Corinne Fitting, CT DEEP
Ms. Melissa Czarnowski, CT DEEP
Mr. Rob Hust, CT DEEP
Mr. Michael Sullivan, CT DEEP

Dr. Raul Pino, CT DPH, Commissioner
Ms. Lori Mathieu, CT DPH
Mr. Eric McPhee, CT DPH
Mr. Justin Milardo, CT DPH
Mr. Rich Iozzo, CT DPH

Mr. Benjamin Barnes, CT OPM, Secretary
Mr. Bruce Wittchen, CT OPM
Mr. Eric Lindquist, CT OPM
Mr. Matt Pafford, CT OPM

Mr. Arthur House, CT PURA, Chairman
Mr. Nicholas Neeley, CT PURA
Ms. Gail Lucchina, CT PURA

Russell Posthauer, Jr., Co-Chair
russellposthauer@ccaengineering.com
203-775-6207

Daniel Lawrence, Co-Chair
DLawrence@aquarionwater.com
203-362-3055

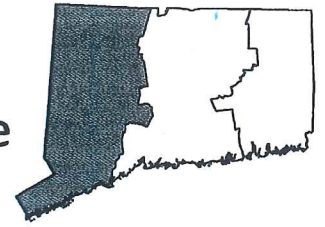
David Banker, Recording Secretary
DBanker@themdc.com
860-278-7850 Ext. 3650

RE: Consultation on Draft Preliminary Water Supply Assessment

In accordance with CGS 25-33g, the Western Connecticut Water Utility Coordinating Committee (WUCC) has prepared a final draft of its Preliminary Water Supply Assessment ("Preliminary Assessment") for the Western Connecticut Public Water Supply Management Area (PWSMA). CGS 25-33g(a) requires that the WUCC prepare this document in consultation with the Commissioner of Public Health, the Commissioner of Energy and Environmental Protection, the Secretary of the Office of Policy and Management, and the Public Utilities Regulatory Authority. A copy of the final draft is attached.

Please be advised that this document has not yet been approved by the WUCC for public release. At this time, we ask that your agencies begin reviewing this document to provide consultation to the Western WUCC. The next WUCC meeting is scheduled for September 13, 2016, and it is anticipated that the Preliminary Assessment will be approved for public review and comment at that time. Therefore, please provide any preliminary comments prior to that date if possible.

Western Region Water Utility Coordinating Committee



September 9, 2016

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The public comment period is anticipated to extend until late October, with final comments being necessary from members and your agencies prior to the end of November. Please provide comments via electronic mail to the Officers at the email addresses listed above, via mail at the mailing address of the Recording Secretary listed below, or by attendance at our WUCC meetings. If you have any questions, please do not hesitate to contact the WUCC officers or our consultant, Mr. David Murphy of Milone & MacBroom, Inc., at 203-271-1773 or dmurphy@mminc.com.

Thank you for the continued attendance of your agencies at one or more of the monthly WUCC meetings in each region. We look forward to hearing your thoughts and concerns. For up to date information regarding the WUCC process, please visit the DPH website at <http://www.ct.gov/dph/wucc>.

Very Truly Yours,

David Murphy, P.E., CFM, Associate
Milone & MacBroom, Inc.

On behalf of:

Russel Posthauer
Western Region WUCC Co-Chair

Daniel Lawrence
Western Region WUCC Co-Chair

Banker, David

From: Rivers Alliance of CT <rivers@riversalliance.org>
Sent: Monday, September 12, 2016 1:41 PM
To: 'Betkoski, John'; 'LeVasseur, David'; 'Mathieu, Lori'; 'Sullivan, Michael J';
DLawrence@aquarionwater.com; russellposthauer@ccaengineering.com; Banker,
David; bavery@hazardvillewater.com; Halloran, Bart; 'dave radka'; congdon@preston-
ct.org; MarkDecker@npumail.com; patrick.bernardo@suez-na.com; dphwucc@ct.gov;
'Samuel Alexander'
Cc: Rivers Alliance
Subject: Formal Communication from Rivers Alliance & others
Attachments: ESA CGS Sec.docx; WUCC ESA LETTER.docx

Gentlemen and Gentle Lady.

Attached is a letter with multiple sign-ons requesting that WUCCs provide provisions for environmental protections prior to assigning exclusive service areas. People are still signing on, including those who wish to sign on other groups. Therefore we will update this letter before the meeting of the Central WUCC next week.

Attached is another document relating to the WUCCs. It is the section of the statute dealing with ESA's. There is a multi-layer process for creating ESA's but only ambiguous language on how to redraw them. In the draft WUCC plans, the process has been, as far as I have observed, that two water companies can agree to redraw ESA boundaries, and, if others in the WUCC at the meeting (which can be a very small meeting) have no objection, and, if DPH doesn't register an objection, it's a done deal. As you have heard, changing ESA boundaries is a big deal. It means changing sources and customers. In our view, it should be a very careful process with comment from agencies and the public. (As a start, one should be sure that the maps are accurate.) If your conclusion is that the statutory process is identical with the informal process on the revision of ESAs in unapproved planning regions, then we should all consider seeking legislative clarification.

On another matter, WUCCs have been making their preliminary regional assessments available only to the hundreds of WUCC members (in fact or on request). The assessments have been on agendas for, and have been discussed at, public meetings. The most expert legal advice I have obtained is that a public agency can withhold such a document if there is an **explicit finding** that it is not in the public interest to disclose it. Our particular interest is to be sure that the original assessments and corrections are available for review promptly. Why? Because it is extremely difficult to do this kind of work with complete accuracy. We want people to be able to see where the confusions lie and the reason for corrections. Recently we were asked to look into the use of a registered well in Litchfield (not an Aquarion well, by the way). The registration existed, and there is a well in the location

indicated (apparently), but it is not the well that is registered. That well (the registered one) is about 20 miles away in Washington on a property where water availability is controversial and important. The resource assessment documents should be one way to identify and fix this kind of error.

Finally, as you know, the MDC has received a federal designation from the federal Department of Homeland Security exempting it from FOI release requirements for its entire 2008 water supply plan. This raises the question of what MDC data can be used by whom in water planning.

Thank you for your consideration.

Margaret Miner, Executive Director

Rivers Alliance of Connecticut

7 West Street, POB 1797

Litchfield, CT 06759

Tel: 860-361-9349

Fax: 860-361-9341

Cell: 203-788-5161

<http://www.riversalliance.org/>

Serving all the waters of Connecticut

FORMAL COMMUNICATION TO THE CONNECTICUT WUCCS AND THE WATER PLANNING COUNCIL

September 12, 2016

To the Water Planning Council: Chairman Jack Betkoski (Public Utility Regulatory Authority, PURA); David LeVasseur (Office of Policy and Management, OPM); Lori Mathieu (Department of Public Health, DPH); and Mike Sullivan (Department of Energy and Environmental Protection, DEEP; and

To The Chairmen of the Water Utility Coordinating Committees (WUCCs):

Western WUCC -- Dan Lawrence (Aquarion Water Company); Russ Posthauer (Candlewood Springs Property Owners Association).

Central WUCC -- Bart Halloran (Metropolitan District Commission); David Radka, Connecticut Water Company).

Eastern WUCC -- Bob Congdon (Town of Preston); Mark Decker (Norwich Public Utilities); Patrick Bernardo (Town of Putnam/SUEZ).

We the undersigned urge you, in your process of water-supply planning, to reconsider your decision to delay evaluation of environmental issues until after water-supply exclusive service areas (ESAs) have been assigned. As has been referenced in your meetings and communications, the statute dealing with Water Utility Coordinating Committees requires each coordinated water system plan to include provisions for “water quality, flood management, recreation and aquatic habitat issues; ..” (Sec. 255-33h). These words were added in PA 14-163, the law mandating development of a comprehensive state water plan.

Your determination as WUCC leaders has been that it will be acceptable to prepare the statute-based assessment of water supply conditions and problems and to establish exclusive service area boundaries (Sec. 25-33g) without identifying or addressing the issues of water quality, flood management, recreation, and aquatic habitat. The reasoning seems to be that, because these issues must be specifically addressed only in each WUCC region’s coordinated water system plan, it is acceptable to do all the water supply planning and

exclusives service area delineations without consideration of the environmental effects.

This postponement of environmental analysis was not the intent of PA 14-163; it is not consistent with other language in the statute, and it is entirely impractical if one seriously intends eventually to identify environmental concerns in the WUCC regional and state water supply plans.

The position of the WUCCs has been that these factors can be integrated later and, if necessary, the supply assessments and ESAs can be altered -- but evidently without the public and agency review required for the creation of these documents.

We believe, too, that even if the new language explicitly calling for environmental analysis were not in the statute, the original language applying to supply assessment and ESA boundaries implicitly requires consideration of environmental factors. Here is the language for assessments.

Sec. 25-33g. Assessment of water supply conditions and problems. Exclusive service area boundaries. (a) Each water utility coordinating committee, in consultation with the Commissioners of Public Health and Energy and Environmental Protection, the Secretary of the Office of Policy and Management and the Public Utilities Regulatory Authority, shall develop a preliminary assessment of water supply conditions and problems within the public water supply management area. The committee shall solicit comments on the preliminary assessment from municipalities, regional councils of governments, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.

Note that the assessment is supposed to be done in consultation with DEEP and is to include “water supply conditions and problems” (emphasis added). We believe that these problems necessarily include the recurring problems of dry streambeds due to supply diversions, over-pumped groundwater, flooding in source locations, and contamination past and present. We believe also that well-known plans for alterations in current supply arrangements, such as the New Britain plan for rock mining and a new reservoir, should be taken into account, especially if extensive (and intensive) environmental alterations are projected.

We realize that integrating environmental factors into the supply assessments and ESA decisions will take more time than you hope to allot for WUCC work. But the present schedule was elected by the WUCCs themselves. It is only one-third of the time originally proposed by DPH. It has no relation to statutory requirements. (The deadlines in the WUCC law blew by some 30 years ago.) We ask you to take the time to do the work in a manner that will give the public an opportunity to see the entire water-supply picture at one time.

Thank you for your attention.

Signed in alphabetical order:

Lori Brown, Connecticut League of Conservation Voters

Sarah Faulkner, Collinsville

Eileen Fielding, Farmington River Watershed Association

Robert Gregorski, Naugatuck River Watershed Association

Barbara Henry, First Selectman, Roxbury

Anne Hulick, Clean Water Action

Sharon Lewis, Connecticut Coalition for Environmental Justice

Martin Mador, River Advocates of South Central Connecticut

Margaret Miner, Rivers Alliance of Connecticut

Bill Moorhead, Consulting Field Botanist, Litchfield

Rep. Mary Mushinsky, Wallingford

Lenka Peterson, Roxbury

Judy Preston, Natural Resource Consultant, CT River Estuary

Sally Rieger, Chairman, Lower Farmington River and Salmon Brook Wild and Scenic Study Committee

Barrett S. Robbins-Pianka, Middletown

Hugh Rogers, Rivers Alliance Volunteer, Washington

Valerie Rosetti, SaveOurWaterCT

Leah Lopez Schmalz, Save the Sound/ Connecticut Fund for the Environment

Martha Smith, West River Watershed Coalition

Lynn Werner, Housatonic Valley Association

NOTE: Some signers sent comments. Here are two:

Sally Rieger, "Maintaining adequate flows in both the brook and stream in order to protect biodiversity (one of our official "Outstandingly Remarkable Values") is one of the official "actions " in our Management Plan {for Farmington River and Salmon Brook}. What could be more in line with that than the position expressed in the letter?"

Martin Mador, "We spent several years when fighting for the streamflow regs advocating that the environment is also an important consumer of water. This was breaking news at the time. No process should minimize the importance of this."

Our email address is: rivers@riversalliance.org

Our post office mailing address is:

Rivers Alliance of Connecticut
P.O. Box 1797, 7 West Street, Litchfield CT 06759

Sec. 25-33g. Assessment of water supply conditions and problems. Exclusive service area boundaries. (a) Each water utility coordinating committee, in consultation with the Commissioners of Public Health and Energy and Environmental Protection, the Secretary of the Office of Policy and Management and the Public Utilities Regulatory Authority, shall develop a *preliminary assessment of water supply conditions and problems* within the public water supply management area. The committee *shall solicit comments on the preliminary assessment from municipalities, regional councils of governments, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.*

(b) The committee shall establish *preliminary exclusive service area boundaries*, based on the final assessment, for each public water system within the management area, and may change such boundaries. *In establishing exclusive service area boundaries the committee shall solicit comments on such boundaries from municipalities, regional councils of governments, the Commissioners of Energy and Environmental Protection and Public Health, the Public Utilities Regulatory Authority, the Secretary of the Office of Policy and Management and other interested persons within the management area and respond to any comment received.* If there is no agreement by the committee on such boundaries, or on a change to such boundaries, the committee shall consult with the Public Utilities Regulatory Authority. If there is no agreement by the committee after such consultation, the Commissioner of Public Health shall establish or may change such exclusive service area boundaries taking into consideration any water company rights established by statute, special act or administrative decisions. In establishing such boundaries, the commissioner shall maintain existing service areas and consider the orderly and efficient development of public water supplies. In considering any change to exclusive service area boundaries, the commissioner shall maintain existing service areas, consider established exclusive service areas, and consider the orderly and efficient development of public water supplies.

**BYLAWS OF THE
PUBLIC WATER SUPPLY MANAGEMENT AREA
WESTERN CONNECTICUT WATER UTILITY COORDINATING COMMITTEE**

Article I – Objectives

The objective of the Water Utility Coordinating Committee (WUCC) is to implement and keep up to date the planning process established in Public Act 85-535 and defined in CGS 25-33c-j and RCSA 25-33h-1 in the Water Management Area (Figure 1) and to coordinate with the other WUCCs for statewide water supply planning. The planning process pursuant to CGS 25-33c shall maximize the efficient and effective development of public water supply systems and promote public health, safety and welfare.

Article II – Membership

As defined in RCSA 25-33h-1(b)(6) membership in the WUCC shall consist of one representative from each public water system (community and non-community) that has a source of supply or service area within the Water Management Area and one member of each Council of Governments (COG) serving at least one municipality within the management area. The State Department of Public Health (DPH) shall maintain the list of eligible members and make that list publicly available on the DPH website.

Article III – Officers and Governance

- A. *Composition* – Officers of the WUCC shall consist of either Co-Chairs or Tri-Chairs and a Recording Secretary. Preference shall be given to having the Chairs include a combination of private and public water system representatives and/or a COG representative. All Officers shall be members.

The Chairs shall be authorized to create the position of Assistant Secretary. Nomination and election of an Assistant Secretary shall follow the procedures for election of other Officers. The Recording Secretary, Assistant Secretary or Chair shall be authorized to designate an alternate to record the meeting minutes.

- B. *Nomination* – Any member of the WUCC may nominate themselves or any other member for election as an Officer.
- C. *Election* - Officers shall be elected by the members at a meeting of the WUCC for which Election of Officers has been noticed as a meeting agenda item.
- D. *Term* - Each Officer shall serve for a term of two years, or until a successor has been elected. There shall be no limit on the number of consecutive terms that an Officer can serve. The term of one or more initial Chair may be extended up to one additional year to provide continuity to the Committee. Thereafter, each successive term shall be two years. Any such extension shall follow the process used for the election of Officers.
- E. *Removal* - An Officer who has missed three or more meetings within a twelve month period may be removed ~~by the members at a meeting of the WUCC for which by a majority vote of the members attending a meeting, and for which~~ such removal has been noticed as a meeting agenda item.

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- F. *Responsibilities* - The Chairs shall have the responsibility of scheduling, setting the agenda for, and presiding over meetings of the WUCC, and any other actions authorized by the WUCC. The Chairs shall also coordinate with DPH and the consultant retained by DPH to assist the WUCC in preparing the Areawide Supplement and any subsequent modifications or updates thereto, and shall promptly forward any FOI requests or legal issues to DPH. The Recording Secretary shall coordinate with DPH, who has the responsibility of maintaining the notification list and providing notice for WUCC meetings. The Recording Secretary shall be responsible for maintaining the records of the WUCC including WUCC work products, agenda and meeting minutes to publicly post within a timely manner.
- G. *Sub-Committees* – The Chairs may establish ad-hoc subcommittees comprised of WUCC members to deal with specific technical issues. Meetings of these subcommittees shall be noticed by DPH and minutes shall be recorded, approved by the subcommittee and made available to the WUCC and the public via the DPH website. Recommendations of the sub-committees shall be acted upon by the WUCC in order to be adopted.
- H. *Executive Session* – The Chairs may call for Executive Session for discussion of, and action on, security sensitive information Freedom of Information requests, and legal matters. Executive Session shall be open to WUCC members, ~~State Agencies and their agents~~, and invited guests. No votes or minutes shall be taken while in Executive Session.

Article IV – Voting

- A. *Number of Votes* – Each eligible WUCC member shall have one vote, which must be cast in person. There shall be no weighting of votes or voting by proxy.
- B. *Exclusive Service Area (ESA) Boundaries and Assignment* – Designation or modification of ESA boundaries or assignments shall be made by consensus, if possible. If consensus cannot be achieved the WUCC will consult with the Public Utilities Regulatory Authority (PURA). If consensus cannot be achieved following such consultation, the WUCC shall submit the disputed boundary or assignment to DPH for resolution. The notice for any meeting at which an ESA boundary or assignment is to be considered shall include a map of the proposed boundary and/or assignment.

Modification of assigned ESA boundaries between two members can be made without the vote of the WUCC provided such modification is documented by the affected members and following an opportunity for comment by the WUCC and any affected municipality. Modification will become effective upon acknowledgement of receipt of the notification by the WUCC Chairs to DPH.

ESA assignments will transfer with a transfer of ownership of a public water system without a vote of the WUCC.

- C. *Certificates of Public Convenience and Necessity (CPCN)* - To the extent a WUCC recommendation is required for approval of a new public water system within the management area, such recommendation may be provided by a vote of the Chairs with subsequent notification to the WUCC members.

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- D. *Other Matters* – WUCC decisions ~~other than including the election or removal of officers, approval or modification of ESA boundaries and assignments,~~ adoption or amendment of bylaws, or submittal of the Coordinated Water System Plan, or any portion thereof, to DPH for approval may be by a simple majority of the members present.

Article V – Meetings

- A. *Frequency* – The WUCC shall meet a minimum of monthly during the preparation of its coordinated plan, and at least once per calendar year thereafter. Special meetings may be called by the Chairs at any time to address any matters to properly come before the WUCC or upon the request of DPH or other state agency.
- B. *Location* - Meetings of the WUCC shall be in a publically accessible location as convenient as practicable to the members affected by issues on the agenda.
- C. *Notice* – Notice for convening of the WUCC shall be made by DPH in accordance with the requirements of RCSA 25-33h-1(b)(5). DPH, in coordination with the WUCC Recording Secretary, shall maintain a list of eligible WUCC members and other interested persons who have provided their email addresses and indicated a desire to be notified of WUCC meetings. The Department, in coordination with the Recording Secretary shall provide electronic notification of subsequent WUCC meetings to the addresses on the notification list at least 14 calendar days prior to the meeting, or as otherwise required.

The Officers, or any number of WUCC members, may hold un-noticed workshops for purposes such as setting an agenda, reviewing technical information or resolving ESA disputes, but no vote or formal action of the WUCC can occur. An agenda and minutes shall not be required for these workshops.

- D. *Quorum* – The WUCC can meet with the members present and doesn't require a specific quorum to conduct business, ~~except as required in Article IV D,~~ provided at least two Officers are in attendance.
- E. *Public Participation* – Each WUCC meeting shall include an agenda item for public comment. Chairs shall determine if sign-up sheet is needed for public comment and may limit public comment periods in order to conduct efficient and orderly meetings
- F. *Minutes* – The Recording Secretary shall record minutes of each WUCC meeting that shall be reviewed and approved by the members at the next meeting and then made electronically available to the notice distribution list.

Article VI – Parliamentary Procedures

Robert's Rules of Order for Small Boards shall be the parliamentary authority for all matters of procedure not covered by these bylaws.

Article VII – Conflict

If there is a conflict between these by-laws and the CGS or RCSA, the statutes or regulations shall prevail.

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Article VIII – Amendments

Proposals for the amendment of the bylaws may originate by any WUCC member upon a petition signed by at least ten WUCC members. Upon submission of the amendment, the Recording Secretary, through the DPH, shall furnish each WUCC member with a copy of the proposed amendment(s). The proposed amendment(s) shall be voted on at a regular or special meeting ~~where a quorum is present~~, provided, however, that all utility members shall have at least ~~thirty-two~~ one ~~eight~~ calendar days to consider the proposed amendment(s). A simple majority of those members present and voting shall be required to amend the bylaws. Upon favorable action on the proposed amendment(s), the new provisions will be effective immediately unless a different effective date is stated.

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