

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

The Western Water Utility Coordinating Committee (WUCC) held a meeting on December 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
Ken Skov	Aquarion Water Company
Dan Lawrence (Co-Chair)	Aquarion Water Company
Debra Brydon	Town of Barkhamsted
Doug Arndt	Town of Bethel, Water Department
Ray Sullivan	Town of Brookfield
Russ Posthauer (Co-Chair)	Candlewood Springs Property Owners Assoc.
Keith Nadeau	Connecticut Water Company
David Cooley	CT Department of Energy & Environmental Protection
Bob Valentine	Town of Goshen
Meghan Sloan	Metropolitan COG
David Banker	Metropolitan District Commission
Aaron Budris	Naugatuck Valley COG
Wesley Marsh	Town of New Hartford
Tim Simpkins	Town of New Fairfield, Health Dept.
Tom Quigley	New Fairfield WPCA
Donna Culbert	Town of Newtown
Joanna Wozniak-Brown	Northwest Hills COG
Scott Halstead	Town of Oxford
Rose Gavrilovic	South Central CT Regional Water Authority
Tom Villa	South Norwalk Electric & Water
Steve Cerruto	Torrington Water Company
Richard Nalette	Winchester WPCA
Jim Rollins	Winsted Water Works

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

Non-WUCC Member Representative	Affiliation
Corinne Fitting	CT Department of Energy & Environmental Protection
Eric McPhee	CT Department of Public Health
Gail Lucchina	CT Public Utilities Regulatory Authority
David Murphy	Milone & MacBroom, Inc.
Tony Mitchel	Rivers Alliance
Len Dejong	Pomperaug River Water Coalition

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

1. Welcome & Roll Call

The Chairs opened the meeting at 10:04 AM. The chairs requested a roll call of attendees.

2. Review of November Meeting Minutes

Mr. Lawrence asked if there were any comments or changes from the floor. No comments were made. Mr. Posthauer moved to approve the minutes. Mr. Sullivan seconded. Members voted unanimously to approve, three members abstained from the vote.

3. Review of Formal Correspondence

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

- Letters from the public – The WUCC Co-Chairs received several letters from members of the public with common themes including environmental protection, water in the public trust and conservation. Mr. Banker informed the attendees that the WUCCs anticipate posting a joint response to these letters on the DPH WUCC webpage.
- DPH Circular Letter 2016-29 informing interested parties of a webinar held on 12/29/2016 to inform interested parties about the ESA declaration process.
- Final Draft Water Supply Assessment notice was provided via email from WUCC and through DPH when the Final Draft WSA was made available on 12/1/2016

A copy of the above correspondence is attached.

4. Public Comment

The Chairs opened the public comment period. No comment was received.

5. Water Supply Assessment – Discussion & Vote to Finalize Document & Submit to DPH

- Mr. Murphy reviewed two minor updates received by Milone & MacBroom since the final draft was published.
- Mr. Valentine raised concern over the accuracy of population projections and questioned that the Water Supply Assessment did not include DPH's population projections
- Mr. Murphy discussed the overall accuracy and correlation of the State Data Center and DOT population projections, and the observation of trends rather than specific population numbers.
- Mr. Lawrence discussed his concerns with water supply in the Western Region not being population growth, but focused on water quality and contamination, including natural contaminants such as radon and arsenic.
- Ms. Wozniak Brown expressed continuing concern that the WSA does not have a more detailed description of small community water systems, similar to those included for large systems that file a water supply plan.
- Mr. Murphy responded that the WSA does include the scorecard data from DPH, but the availability of any further data is limited.
- Mr. Posthauer made a motion to approve the WSA as amended and submit it to DPH. Mr. Skov seconded the motion. The WUCC unanimously voted to approve the motion, with two members abstaining.
- The WUCC discussed that the approved WSA would be posted to the Western WUCC webpage and the co-chairs agreed to submit a letter from the WUCC with the WSA submission to DPH.

6. Summary of ESA Process & Schedule

- Mr. Murphy reviewed the proposed ESA process and schedule for the establishment and submission of ESAs to DPH. This includes a goal to resolve any conflicting declarations in January and February and it may require the inclusion of a special meeting in late January,
- Ms. Wozniak-Brown asked if DPH would be initiating conflict resolution for conflicting declarations. Mr. Murphy responded no, and indicated that the WUCC would discuss this later in the meeting.

7. Summary of ESA Declaration Forms & Schedule Conflict Presentations

Mr. Murphy indicated that the WUCC had received four different types of communication regarding the ESA declarations, which consisted of the following: traditional ESA declarations, requests from municipalities to remain unassigned, letters from municipalities in favor of declarants and declarations from DEEP for state conservation land.

- Mr. Lawrence asked the attendees from DEEP the purpose for the DEEP ESA declaration.
- Mr. Cooley discussed DEEP's intent to obtain ESA's for DEEP conservation land where either the need for water supply is limited or there is none to keep these areas undeveloped.
- Mr. Valentine asked if the declaration was to plan for a future need or to help ensure preservation of the land. Mr. Cooley confirmed that the intention is preservation.
- Mr. Lawrence asked if towns were interested in preserving their rights over the town ESA, should they declare for their municipality.

- Ms. Gavrilovic stated that at the Central WUCC meeting, towns were concerned that DEEP declarations within their established ESAs would impede on their existing rights.
- Mr. Lawrence and Mr. McPhee discussed the requirements of “un-serviced islands” as discussed in statutes. Specifically, could un-serviced islands remain, and under what circumstances was this acceptable?
- Ms. Wozniak-Brown asked about the process to move/change existing ESA boundaries.
- Mr. Cooley stated that DEEP only purchases land and does not have a process to sell land. There is no control over land transfers which may occur due to special legislative acts, but if land changed hands, the ESA border could be amended. Mr. Cooley stated that DEEP could go on record that they do not intend to sell land.
- Mr. McPhee reminded attendees that existing state land PWSs already will be receiving an ESA that is coterminous with its boundaries.
- Mr. Lawrence expressed concern with leaving large areas of the Western WUCC unassigned and the process which would be needed moving forward when systems fail and application for new systems are received.
- Mr. Valentine stated that an ESA is not needed in Goshen. The town does not have the resources to address the requirements and the WUCC should maintain the area as unassigned and have a process to address an ESA when needed.
- Mr. Lawrence stated that to remain unassigned as an un-served island an area or municipality must meet certain obligations. Ms. Wozniak-Brown stated that an un-served island may be a parcel, but an entire municipality may not make sense. Mr. Lawrence asked if an area should be left unassigned if there are known contaminants in the existing water supplies in the area.
- Mr. Mitchell posed an example of a DEEP park located in an Aquarion ESA. If the park needed a new transient non-community system, Aquarion would not need to be involved. In this case, what is the benefit of DEEP having the ESA?
- A discussion of ESAs and declaring ESAs for conservation land occurred. Ms. Sloan asked if we should have a separate declaration category for conservation lands. Mr. McPhee stated that we could consider this as a subcategory of un-serviced islands. Mr. Posthauer stated that our approach should remain consist across the three WUCCs. Ms. Wozniak-Brown asked why there were unassigned areas left by previous WUCCs. Mr. McPhee stated he would research why/how previous WUCCs had left some areas unassigned, and Mr. Lawrence surmised that these areas previously did not receive any declarants.

Mr. Murphy reviewed next steps, including draft ESA processes and rating sheet.

- Ms. Wozniak-Brown stated that scores should help determine which utilities/municipalities should provide service, not if an ESA should be declared.
- Mr. McPhee did not like the idea of a totalized score, nothing should happen if a utility does not have any excess water to supply.
- Mr. Mitchel asked if the rating sheet considered whether water supply would come from the watershed basing the service area was located in. Mr. Murphy responded that the rating categories are based upon the statutes. Mr. Mitchel asked members to keep this in mind when considering their ratings.
- Ms. Wozniak-Brown asked the WUCC to consider renaming the ratings column of the sheets to “Comments per Declarant”.
- Mr. Villa reminded attendees that the Part H (“other”) section of the form could be used for almost any of the things that people are asking the forms to consider.

- Mr. Cerruto asked if the overall intent of the assignment process was for the declarants to work together to resolve their issues so that presentations are not needed. The chairs responded affirmatively, and encouraged members and municipalities to meet and discuss these issues as soon as possible to identify resolutions.
- Ms. Wozniak-Brown stated that confirmation via formal correspondence to the WUCC would best record when resolutions have been reached. Mr. Lawrence agreed.
- Mr. Murphy presented two potential approaches to address declaration conflicts; presentations by declarants for total area requested, or presentations by conflicted area, ie. town by town. Consensus was reached for the geographic area approach, but this will require more effort for larger declarants.
- Ms. Gavrilovic asked if South Central Connecticut Regional Water Authority would be allowed to submit a declaration form for Wolcott, stating that RWA has been working to coordinate a meeting with the town. There was consensus among the WUCC members that this would be acceptable.
- Ms. Sloan suggested that when it is time to schedule presentations with conflicted declarants, the WUCC should publish a list of all tentative presentations. If the issue is resolved prior to the meeting, then the presentation will not be needed. Additionally, if time at the meeting runs out, then the remaining presentations could be postponed. There was consensus among the members to publish a list of tentative presentations for the next WUCC meeting.
- Mr. Cerruto asked if there were maps available of the conflicts. This would help everyone understand where the conflicts are located.
- Mr. Budris stated that it appears that a majority of the conflicts appear to be between DEEP and municipalities, and he urged DEEP to resolve as many of these conflicts as possible prior to meetings. Mr. Valentine stated that, in the reference to Goshen, he does not see a conflict with DEEP's declaration their conservation lands.
- Ms. Wozniak-Brown asked when members could have an updated list of declarants by town. Mr. Lawrence stated that it would be included with the meeting minutes.
- Mr. Murphy urged WUCC members to remember that there are five weeks between the January and February meetings, and it is therefore possible to complete the January meeting and immediately provide notice of a meeting halfway between the two regular meetings to accomplish conflict resolution (if needed).

8. Other Business

- A discussion of inclement weather policy for meeting dates occurred. Ms. Gavrilovic stated that the Central WUCC had determined to set inclement weather dates for each meeting at the last WUCC meeting. There was consensus among the members to set an inclement weather date on agendas moving forward for the winter months to have a posted postponement date available.
- There was a discussion of what the criteria would be for the postponement of a meeting due to inclement weather. Mr. Lawrence confirmed that the decision rested with the officers of the WUCC.
- Prior to the conclusion of the meeting, Mr. Rollins asked attendees if there were any potential unintended consequences of having a large ESA. Attendees mentioned failing small systems, new public water systems, etc.

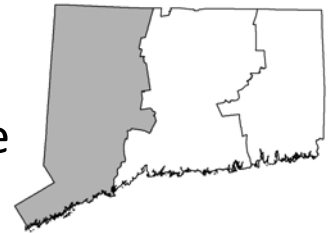
As there was no more business, Mr. Posthauer made a motion to adjourn. Mr. Nalette seconded the motion. The motion passed unanimously and the meeting closed at 11:55 AM.

The next scheduled Western WUCC Meeting is scheduled for Tuesday January 10th, 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
December 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 November Meeting Minutes (5 minutes)
3. Review of Formal Correspondence (5 minutes)
4. Public Comment (10 minutes)
5. Water Supply Assessment – Discussion & Vote to Finalize Document & Submit to DPH (20 minutes)
6. Summary of ESA Process & Schedule (10 minutes)
7. Summary of ESA Declaration Forms & Schedule Conflict Presentations (55 minutes)
8. Other Business (10 minutes)

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

DWS Circular Letter #2016-29

To: Related State Agencies Executive Directors of Councils of Governments
 Chief Elected Officials Local Health Departments and Districts
 Town Planners Public Water Systems
 Town Clerks Other Interested Persons
 Planning and Zoning Officers

From: Lori J. Mathieu, Public Health Section Chief, Drinking Water Section

Handwritten signature of Lori J. Mathieu in black ink.

Date: November 16, 2016

Subject: Webinar Explaining the Exclusive Service Area Declaration Process

The Connecticut Department of Public Health Drinking Water Section (DWS) will be conducting a webinar on November 29, 2016 at 10:00 a.m. to discuss the regulatory process of declaring Exclusive Service Areas (ESA). An ESA is a geographic area where a single entity has the responsibility for public water. This is an important process that all municipalities and Water Utility Coordinating Committee (WUCC) members should understand. Municipalities, in particular, should be aware that the ESA designation process has begun and water utilities will be making claims in all three public water supply management areas.

We would encourage those involved or interested in the WUCC process to register for this informational webinar at <https://attendee.gotowebinar.com/register/2477998321480561412>. For more information on ESAs, and Water Utility Coordinating Committees, please visit our website at www.ct.gov/dph/WUCC.

cc: Deputy Commissioner Yvonne Addo, DPH



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Affirmative Action/Equal Opportunity Employer

Banker, David

From: Banker, David
Sent: Thursday, December 01, 2016 2:31 PM
To: Banker, David
Cc: DLawrence@aquarionwater.com; russellposthauer@ccaengineering.com; 'Dave Murphy'; Scott Bighinatti
Subject: Western WUCC - Final Draft Water Supply Assessment

Good Afternoon,

If you are receiving this email, it is because you are an active member or interested party in the Western Region Water Utility Coordinating Committee (WUCC).

Please find a link below regarding the Final Draft Water Supply Assessment (WSA) for the Western WUCC dated December 1, 2016. Comments have been incorporated and updated and new text is in **green** font. This Final Draft WSA is intended for discussion at the next WUCC meeting scheduled for December 13th and it is anticipated that the WUCC will vote to adopt and submit it to DPH.

Link to Final Draft Western WUCC Water Supply Assessment:

<https://mminc.sharefile.com/share?#/view/sa3142f68942477bb>

The Final Draft WSA document will also be posted to DPH's Western WUCC webpage.

David Banker, P.E.
Recording Secretary, Western WUCC
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ESA Declaration Summary rev. 12/12/16
Western Region

Municipality	Existing ESA	CT DEEP ESA Declared	ESA Declarant 1	ESA Declarant 2	Town Request to Remain Unassigned	Conflict(s)?
Ansonia	RWA					
Barkhamsted	<i>Unassigned</i>	Yes	WWW (part)		Yes (part)	Yes
Beacon Falls	Aquarion (most) CWC (northern part)					
Bethel	Bethel (most) Aquarion (part)					
Bethlehem	--	No	Bethlehem (part)	Aquarion		No
Bridgeport	--	Yes	Aquarion			Yes
Bridgewater	Aquarion					
Bristol	Bristol					
Brookfield	Aquarion					
Burlington	TWC (north 2/3) CWC (east part) Bristol (south 1/3)					
Canaan	--	Yes	Aquarion		Yes (all)	Yes
Cheshire	RWA					
Colebrook	<i>Unassigned</i>	Yes	Aquarion		Yes (all)	Yes
Cornwall	--	Yes	Aquarion		Yes (all)	Yes
Danbury	Danbury					
Darien	--	No	Aquarion			No
Derby	RWA					
Easton	--	Yes	Aquarion			Yes
Fairfield	--	Yes	Aquarion			Yes
Goshen	--	Yes	TWC (part)	Aquarion	Yes (all)	Yes
Greenwich	--	Yes	Aquarion			Yes
Hartland	<i>Unassigned</i>	Yes	Aquarion			Yes

ESA Declaration Summary rev. 12/12/16
Western Region

Municipality	Existing ESA	CT DEEP ESA Declared	ESA Declarant 1	ESA Declarant 2	Town Request to Remain Unassigned	Conflict(s)?
Harwinton	TWC (north 3/4) CWC (south 1/4)					
Kent	--	Yes	Aquarion		Yes (part)	Yes
Litchfield	--	Yes	TWC (part)	Aquarion	Yes (all)	Yes
Middlebury	--	Yes	Aquarion (part)	CWC		Yes
Monroe	--	Yes	Aquarion			Yes
Morris	--	Yes	Morris	Aquarion		Yes
Naugatuck	CWC					
New Canaan	--	No	Aquarion			No
New Fairfield	Aquarion (small) Town of (small) <i>Unassigned (parts)</i>	Yes	Aquarion			Yes
New Hartford	TWC (SW corner) CWC (east part) <i>Unassigned (part)</i>	Yes	TWC (part)	Aquarion		Yes
New Milford	Aquarion					
Newtown	Aquarion					
Norfolk	--	Yes	Aquarion			Yes
North Canaan	--	Yes	Aquarion			Yes
Norwalk	--	No	First Taxing Dist. SNEW	Aquarion (parts)		Yes
Oxford	Aquarion (half) HVWC (half) CWC (small part)					
Plymouth	--	Yes	CWC			Yes
Prospect	CWC					
Redding	--	Yes	Aquarion			Yes
Ridgefield	Aquarion					

ESA Declaration Summary rev. 12/12/16
Western Region

Municipality	Existing ESA	CT DEEP ESA Declared	ESA Declarant 1	ESA Declarant 2	Town Request to Remain Unassigned	Conflict(s)?
Roxbury	<i>Unassigned</i>	No	Aquarion			No
Salisbury	--	Yes	Aquarion		Yes (part)	Yes
Seymour	Aquarion (most) RWA (small part)					
Sharon	--	Yes	Aquarion			Yes
Shelton	--	Yes	Aquarion			Yes
Sherman	<i>Unassigned</i>	Yes	Aquarion			Yes
Southbury	HVWC (east half) <i>Unassigned (parts)</i>	Yes	HVWC			Yes
Stamford	--	Yes	Aquarion			Yes
Stratford	--	No	Aquarion			No
Thomaston	--	Yes	CWC			Yes
Torrington	--	Yes	TWC			Yes
Trumbull	--	Yes	Aquarion			Yes
Warren	--	Yes	Aquarion		Yes (all)	Yes
Washington	--	Yes	Aquarion		Yes (all)	Yes
Waterbury	--	Yes	Waterbury			Yes
Watertown	--	Yes				No
Weston	--	No	Aquarion			No
Westport	--	No	Aquarion			No
Wilton	--	Yes	Aquarion			Yes
Winchester	--	Yes	WWW	TWC (part)		Yes
Wolcott	--	No	Wolcott W/S	Aquarion		Yes
Woodbury	Aquarion (most) WFD (northeast)					

TWC = Torrington Water Co.; CWC = Connecticut Water Co.; HVWC = Heritage Village Water Co.; WFD = Watertown Fire District; SNEW = South Norwalk Electric & Water