

Meeting Minutes
Western WUCC Convening Meeting
Brookfield Municipal Center – 100 Pocono Road, Brookfield, CT
April 11, 2017 10:00 AM

The Western Water Utility Coordinating Committee (WUCC) held a meeting on April 11, 2017 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/wucc/>.

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
Doug Arndt	Town of Bethel
Russel Posthauer (Co-Chair)	Candlewood Springs Property Owners Assoc.
Mike Elliot	First Taxing District Water Department
David Day	Danbury Water Department
David Banker	Metropolitan District Commission
Aaron Budris	Naugatuck Valley COG
Joanna Wozniak-Brown	Northwest Hills COG
Tiffany Lufkin	South Central CT Regional Water Authority
Tom Villa	South Norwalk Electric & Water
Steve Cerruto	Torrington Water Co.
William Kenny	Western CT Council of Governments
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
Doug Hoskins	CT Department of Energy & Environmental Protection
Melissa Czarnowski	CT Department of Energy & Environmental Protection
Rich Iozzo	CT Department of Public Health
Justin Milardo	CT Department of Public Health
Linda Ferraro	CT Department of Public Health
Dennis Tobin	Town of Litchfield
Scott Bighinatti	Milone & MacBroom, Inc.
Tony Mitchell	Rivers Alliance
Gregory Bleau	Southbury Training School – State of Connecticut
Steve Rugar	Tata & Howard

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. Mr. Bighinatti provided a brief refresher of the process to date and an overview of the goals of the meeting.

2. Review of March Meeting Minutes

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

3. Review of Formal Correspondence

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

- 03-22-2017 – Preliminary Recommended Exclusive Service Area Boundaries
- 03-28-2017 – Draft Statement of Confirmation for ESA Holders

A copy of the above correspondence is attached.

4. Public Comment

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

5. Review Public Comments Received to Date, Preliminary ESA Document & Maps

- Mr. Bighinatti discussed a follow-up with DPH from the last meeting, stating that the “final recommended” ESA boundaries in the ESA Document will be treated as enforceable once submitted to DPH by the WUCC in June.
- The ESA boundaries will receive DPH formal approval when the full Coordinated Water Supply Plan from the WUCC is approved by DPH.
- Mr. Bighinatti reviewed a statewide map with new and existing ESAs across all three WUCCs shown. A discussion of the benefits of this map ensued.
- There was consensus among the members that the statewide ESA map should be made available on the Western WUCCs webpage.
- Mr. Bighinatti stated that he would coordinate with DPH to provide the map for posting on the webpage. Mr. Bighinatti also stated that the statewide map would be included in the final ESA Document.
- Mr. Bighinatti discussed comments received to date regarding the preliminary ESA document. DEEP provided a statement agreeing with the approach the plan has taken regarding DEEP

lands. Aquarion Water Company provided mapping corrections for existing service areas and labels in East Derby and Danbury.

- Mr. Milardo stated that comments from the Department of Public Health will be forthcoming.
- Mr. Rugar had a question regarding Section III of the ESA document regarding rights and responsibilities. Mr. Rugar asked if the requirement for an ESA holder to take ownership of new community water systems was a new requirement; he believes that previously ESA owners have been permitted to subcontract operations of such systems and not take ownership of the system.
- Mr. Bighinatti responded that ownership has been a longstanding requirement of the regulations for ESA owners with new community systems. The owners always have the option to contract operation of the system to another entity.
- Mr. Lawrence stated that the WUCC could verify with DPH if ownership of small systems had not been previously required by DPH.
- Mr. Milardo stated that DPH would look into the question and follow up at the next WUCC meeting.
- Mr. Bighinatti added that ESA holders have the first right of refusal to take ownership of transient non-community and non-transient non-community water systems.
- Mr. Cerruto asked what would happen when new community systems are proposed in areas without ESA's assigned.
- Mr. Bighinatti replied that the systems would follow the existing Certificate of Public Convenience and Necessity process currently applied by DPH and PURA. For unassigned areas, there would be more onus on the applicant to demonstrate the technical, managerial, and financial capacity to own and/or operate the new community system.
- Mr. Lawrence added that if the development were adjacent to an existing water system/ESA, that system could be extended and ESA modified to serve the development.

6. Discuss and Approve Statement of Confirmation for ESA Holders

- The WUCC reviewed the proposed draft Statement of Confirmation language.
- Mr. Day expressed concern with the use and potential interpretation of "reasonable timeframe" as utilized in provision two of the statement.
- Mr. Lawrence stated that different issues have different levels of complexities, so it is impossible to define a deadline.
- Mr. Bighinatti added that the language in provision two is pulled from the Regulations of Connecticut State Agencies section referenced in the text. Additionally, Section 3 of the ESA document contains further discussion of "reasonable timeframe" in relation to the Certificate of Public Convenience and Necessity process.
- Mr. Cerruto asked if a list of the town map numbers by ESA holder could be provided with the Statement of Confirmation to ensure that each ESA holder includes the pertinent map numbers on their executed Statement of Confirmation.
- Mr. Bighinatti confirmed that a list would be provided.
- Mr. Milardo stated that DPH will need signed originals for Statements of Confirmation.
- Mr. Bighinatti confirmed that signed originals should be provided to the Recording Secretary. The best time may be in person at the next meeting. The WUCC officers will reach out to the ESA holders once the documents are finalized.

- Mr. Rupar asked what is the consequence of an ESA holder not submitting a Statement of Confirmation.
- Mr. Bighinatti stated that the WUCC could follow a process to reassign the ESA. If more time is needed, then the WUCC could delay the submission of the final document to DPH, or could submit the document to DPH with signatures to be added later (as the Housatonic WUCC did).
- Mr. Budris asked if the official ESA boundary is the map included with the ESA document or the GIS data.
- Mr. Bighinatti replied that the map is the official record, but the GIS data will be available on DPH's website for guidance purposes.
- The WUCC discussed amendments to the proposed Statement of Confirmation
 - Mr. Day proposed to change "with" to "within" at two locations in provision two of the Statement of Confirmation to copy the exact language in RCSA 25-33h-1(k)(2).
 - Ms. Wozniak-Brown proposed to amend provision two by moving "as specified by the Regulations of Connecticut State Agencies 25-33h-1(k)(2)" from the end of the first sentence to the beginning of the same sentence.
- As a result of the proposed amendments, provision two of the Statement of Confirmation was proposed as follows:
As specified by the Regulations of Connecticut State Agencies 25-33h-1(k)(2), the undersigned acknowledges its right and responsibility for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance within their ESA boundaries within a reasonable timeframe. Such rights and responsibilities are detailed in the ESA Document prepared by the Western WUCC. The undersigned acknowledges that it will adhere to any applicable changes to the statutes and regulations which may occur from time to time.
- Mr. Villa made a motion to approve the Statement of Confirmation as amended to be distributed to ESA holders for signature. Mr. Posthauer seconded the motion. Members voted unanimously to approve the document as amended. Ms. Wozniak-Brown abstained.
- Mr. Bighinatti asked if it would be helpful if existing ESA holders received a copy of the previously signed Statement of Confirmation from the prior WUCC.
- Mr. Day and Mr. Arndt responded that it would help.
- Mr. Bighinatti stated that the officers and MMI would put together an email to ESA holders with the prior documents and due dates for the Statement of Confirmation.

7. Other Business

- Mr. Bighinatti provided an overview of items which will be included in the Integrated Report.
- Mr. Lawrence asked if the Integrated Report will include DEEP's update to the Water Diversion Regulation, currently in the approval process.
- Mr. Hoskins stated that DEEP is working for the adoption of the regulation change by July.
- Mr. Bighinatti stated that the integrated plan will be drafted over the next year, so discussion of the regulation change can be included, pending approval of the diversion regulation change as discussed.
- Ms. Wozniak-Brown asked if the State Water Plan and drought would be incorporated in the Integrated Plan.

- Mr. Bighinatti stated that the State Water Plan is scheduled to be completed in May, and the policies from the Plan will be considered for inclusion in the Integrated Report, where applicable to water utilities.
- Mr. Lawrence stated that a majority of the letters received from the public included concerns regarding drought and conservation, and the Integrated Report should address these issues.
- Mr. Tobin asked if the Integrated Plan would consider the availability and use of privately owned water supplies for future supplies.
- Mr. Lawrence stated that where known, the Integrated Report should address protecting these areas as open space for future water supplies.
- Mr. Bighinatti stated that the report could identify a process for public-private partnerships to be used for the future.
- Mr. Lawrence stated that the report should consider the impact of water needs, especially regarding the use of potable drinking water for power generation in fuel cells and large power plants.
- Ms. Wozniak-Brown asked if the Integrated Report would include recommendations for regional planners with regard to water planning.
- Mr. Bighinatti stated that this was possible.
- Ms. Wozniak-Brown asked if the use of grey water systems will be included in the report.
- Mr. Bighinatti stated that grey water use is difficult, because separated transmission and distribution piping is needed, but it is included in the State Water Plan. The Integrated Report could identify potential opportunities.
- Mr. Rupar asked if the Integrated Report would incorporate streamflow.
- Mr. Bighinatti stated that MMI would not be able to analyze the effect of the streamflow regulation on the water utilities, but they will ask utilities for any analyses they have previously performed to establish the effect of releases on safe yield.

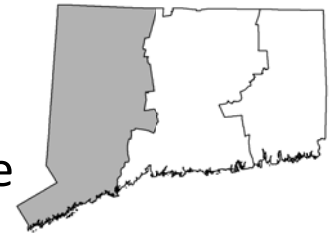
As there was no more business, Mr. Cerruto made a motion to adjourn. Mr. Posthauer seconded the motion. The motion passed unanimously and the meeting closed at 11:20 AM.

The next Western WUCC Meeting is scheduled for Tuesday May 9th, 2017 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

April 11, 2017

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

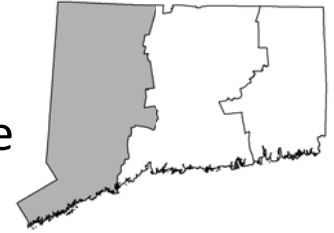
Daniel Lawrence, Co-Chair
DLawrence@aquarionwater.com
203-362-3055

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

1. Welcome & Roll Call (5 minutes)
2. Review and Approval of March Meeting Minutes (5 minutes)
3. Review of Formal Correspondence (5 minutes)
4. Public Comment (5 minutes)
5. Review of Public Comments Received to Date, Preliminary ESA Document & Maps (30 minutes)
6. Discuss and Approve Statement of Confirmation for ESA Holders (30 minutes)
7. Other Business, if time allows

If meeting is postponed, the revised meeting date will be Tuesday April 18th.

Western Region Water Utility Coordinating Committee



March 22, 2017

Via Electronic Mail

To: Western WUCC Members
Chief Municipal Officials
Municipal Planning Commissions
Local Health Officials
Regional Planning Organizations
Commissioner, Department of Energy & Environmental Protection
Commissioner, Department of Public Health
Chairman, Public Utilities Regulatory Authority
Secretary, Office of Policy & Management
Interested Parties

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: Preliminary Recommended Exclusive Service Area Boundaries

In accordance with CGS 25-33g(b) and RCSA 25-33h-1(d)(B), the Western Connecticut Water Utility Coordinating Committee (WUCC) has established preliminary exclusive service area boundaries for the Western Connecticut Public Water Supply Management Area (PWSMA). An electronic copy of the document may be found online at the WUCC website <http://www.ct.gov/dph/wucc> under the Western WUCC webpage.

At this time, the Western WUCC is requesting review and comment on the preliminary exclusive service area boundaries document from all interested persons. Discussion of comments received to date will occur at the next Western WUCC meeting scheduled for April 11, 2017 at the Brookfield Town Hall. The public comment period closes on April 22, 2017 and any final comments on the document from the public must be received by the end of that day, with discussion of final comments occurring at the WUCC's meeting on May 9, 2017.

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 the April 11th WUCC meeting. 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 davem@miloneandmacbroom.com.

We look forward to hearing your thoughts and comments on this document. For current information regarding the WUCC process, please visit the DPH website at <http://www.ct.gov/dph/wucc>.

Very Truly Yours,



Daniel Lawrence
Western Region WUCC Co-Chair



David Banker
Western Region WUCC Recording Secretary

Western Region Water Utility Coordinating Committee



March 28, 2017

Via Electronic Mail

To: Western WUCC Exclusive Service Area Holders

RE: Draft Statement of Confirmation for ESA Holders

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

The Western Region Water Utility Coordinating Committee (WUCC) is continuing work to establish Exclusive Service Area Boundaries within the WUCC service area. Prior to submitting the final ESA document to DPH, the WUCC will need its members with ESA assignments to sign a Statement of Confirmation agreeing to the ESA as reflected by mapping in the document. A draft Statement of Confirmation has been attached to this letter for review and comment. We anticipate discussion and approval of the Statement of Confirmation at the next Western WUCC meeting scheduled on April 11, 2017 at the Brookfield Town Hall.

In order to accommodate the regulatory timeline, the WUCC will need ESA holders to submit executed Statements of Confirmation by June 1, 2017. Some members may require town council or board approvals prior to executing documents. As a result, the WUCC is asking members to consider their approval process and plan accordingly.

Comments can be provided via electronic mail to the Officers at the email addresses listed above or by attendance at the April 11th WUCC meeting. 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 davem@miloneandmacbroom.com.

Very Truly Yours,



Russell Posthauer
Western Region WUCC Co-Chair



Daniel Lawrence
Western Region WUCC Co-Chair



STATEMENT OF CONFIRMATION OF EXCLUSIVE SERVICE AREA BOUNDARIES WESTERN CONNECTICUT PUBLIC WATER SUPPLY MANAGEMENT AREA

Whereas, in accordance with Section 25-33h of the Connecticut General Statutes, each potential Exclusive Service Area (ESA) holder in the Western Connecticut Public Water Supply Management Area (PWSMA) is granted the right to request, through a declaration process, its future service area; and

Whereas, the Western Connecticut Water Utility Coordinating Committee (WUCC) has formally requested such ESA declarations from potential providers and has received such declarations from interested parties within the Western PWSMA; and

Whereas, the Western Connecticut WUCC has reviewed the declared ESA boundaries and confirms that all conflicts between potential ESA holders have been resolved through a process developed by the WUCC; and

Whereas, the Western Connecticut WUCC will make recommendations to the Connecticut Department of Public Health (DPH) with regard to ESA awards;

Therefore, the undersigned accepts responsibility for the ESA as recommended by the Western Connecticut WUCC and will abide by the following provisions:

1. **Service Area Boundaries:** The undersigned acknowledges that the attached map(s) as identified below as presented on Geographic Information System (GIS) mapping accurately identifies the undersigned ESA holder's ESA as accepted by the Western Connecticut WUCC on or prior to (DATE). Copies of the approved maps and Statements of Confirmation will be kept on file at the Connecticut DPH offices and will be available for public review. Unofficial copies will be available electronically online on the Western WUCC website hosted by Connecticut DPH.
2. **Rights and Responsibilities:** The undersigned acknowledges its right and responsibility for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance with their ESA boundaries with a reasonable timeframe, as specified by the Regulations of Connecticut State Agencies 25-33h-1(k)(2). Such rights and responsibilities are detailed in the ESA Document prepared by the Western WUCC. The undersigned acknowledges that it will adhere to any applicable changes to the statutes and regulations which may occur from time to time.
3. **Boundary Adjustments:** If at some time in the future it is in the best interest of the undersigned to make adjustments to an ESA boundary, such adjustments must be made in accordance with the ESA Modification Procedures in the Western WUCC Work Plan and be approved by the Connecticut DPH. Such adjustments must be reconfirmed by completion of a new Statement of Confirmation of ESA Boundaries and updates to the associated mapping.

The undersigned ESA holder has executed this Statement of Confirmation as of (DATE).

