



April 19, 2017

**Central Connecticut Water Utility Coordinating Committee
c/o Brendan Avery
Hazardville Water Company
281 Hazard Avenue
Enfield, CT 06082
Attn: David Radka, Co-Chair, and Bart Halloran, Co-Chair**

Dear Committee Members:

Reference is made to that certain Coordinated Water System Plan, Part II: Preliminary Recommended Exclusive Service Area Boundaries for the Central Connecticut Public Water Supply Management Area, dated March 15, 2017 (the "Preliminary Plan").

On behalf of the University of Connecticut ("UConn"), we appreciate the opportunity to review and submit these comments on the Preliminary Plan recently issued by the Central Connecticut Water Utility Coordinating Committee (the "Central WUCC").

As an initial matter, we agree with the Preliminary Plan's depiction of UConn's water system in the Preliminary Exclusive Service Area Map for the Town of Mansfield, Connecticut (ESA Fig. 37). We further agree with the Preliminary Plan's depiction of the areas that are currently forested and/or agricultural in such map and in the Preliminary Exclusive Service Area Map for the Town of Willington, Connecticut (ESA Fig. 67). UConn has previously requested these areas not be assigned an ESA.

UConn also agrees with the Preliminary Plan's determination that UConn "retain its current service area at its Main and Depot campuses as an existing system, with no delineated ESA." UConn has supplied water for its operations and to other properties receiving this service for many years. UConn is specially authorized by the Connecticut legislature to provide water supply service in this area. For example, General Statutes § 10a-138 authorizes UConn "to furnish, for compensation, running water . . . for any property owned or occupied by it or in which it has an interest by reason of a possibility of reverter or of a restriction on alienation in its favor." It is essential that UConn's continued authority to supply water from its existing system within this area be recognized as part of the water supply planning process.

Although the Preliminary Plan, and the attached map (ESA Fig. 37), recognize UConn's existing service area, we believe some further clarification is necessary to reinforce the Central WUCC's determination that no delineated ESA is assigned to UConn's existing service territory.

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We specifically request that the following changes be made to the Preliminary Plan (with the requested changes depicted in blue, bold and underlined font):

- **Table 2-8, Page 2-11:**

Mansfield	University of Connecticut <u>will retain its existing service area designation for its Main and Depot campus areas.</u> UConn agricultural land that is not contiguous with the existing service area at the Main and Depot Campuses will remain unassigned. Windham Water Works for a specific area near its existing system in southern Mansfield. CWC for the remaining area within the Town of Mansfield.
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- **Section 2.4, Page 2-13:**

Mansfield -- **University of Connecticut will retain its current service area at its Main and Depot campuses as an existing system.** Several state-owned agricultural parcels in central Mansfield were requested by the University of Connecticut to remain unassigned, as well as the southern terminus of the Moss Tract in northern Mansfield. CWC refined its ESA declaration to comply with this request.

UConn believes these changes are necessary to create an appropriate record confirming that the Central WUCC is not delineating an ESA within UConn's existing service territory.

These changes are also consistent with the regulatory requirements applicable to this process. See Regs., Conn. State. Agencies § 25-33h-1(d)(B). These clarifications will, among other things, reinforce the boundaries of UConn's existing water service area, *id.* § 25-33h-1(d)(B)(ii)(aa), will recognize UConn's legal authority to supply water to these areas, *id.* § 25-33h-1(d)(B)(ii)(ee), and will avoid potential duplication or overlap of services in these areas, *id.* § 25-33h-1(d)(B)(i)(cc).

These changes are also consistent with contractual agreements established between UConn and Connecticut Water Company ("CWC"). As you are aware, UConn and CWC recently entered into an agreement for the supply of water and development of water systems in the Town of Mansfield. CWC agreed that it would not use the nature of the commitments outlined in that agreement to support the establishment of an ESA to CWC in UConn's existing service territory. The changes reflected above would recognize these commitments by CWC to UConn in the Preliminary Plan.

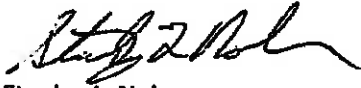
Finally, we note the Preliminary Plan identifies UConn's prior participation in this planning process as a member of the Central WUCC, and the Central WUCC's determination that UConn, as a state agency, cannot hold an ESA (as defined in the Preliminary Plan). As you are aware, determinations of this nature are not within the WUCC's authority. Because the Preliminary Plan recognizes UConn's current water system as an existing service area with no ESA holder,¹ UConn does not consider it necessary to resolve whether or not UConn is a "public water supply" for purposes of General Statutes 25-33d.

¹ The Central WUCC's Monthly Meeting #10 presentation confirmed that "Moving forward, the UConn system will be depicted as an existing system with no ESA holder" (see Slide 12).

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Page 3 of 3

As participants in this process, we appreciate the time and commitment made by all members of the Central WUCC. We look forward to continuing to work with you in this process and in our related activities in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley L. Nolan". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Stanley L. Nolan
Director of Utility Operations and Energy Management

Connecticut Water Company
93 West Main Street
Clinton, CT 06413-1600

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Fax: 860.669.9326
Customer Service: 800.286.5700



April 27, 2017

Via Electronic Mail

Ms. Patrice Carson, AICP
Consulting Director of Community Development
Town of Bolton
222 Bolton Center Road
Bolton, CT 06043

Re: Request for Preliminary ESA Modification

Dear Ms. Carson:

This letter is in response to your e-mail of April 27, 2017 requesting that Connecticut Water Company modify its proposed Exclusive Service Area (ESA) boundary in Bolton to include the Route 6 corridor. Such a modified ESA would then include properties north and south along Route 6, in addition to the Route 44 area previously identified by the Company and supported by the Town in its April 18, 2017 letter to the Central Water Utility Coordinating Committee (WUCC).

As we discussed, Connecticut Water is agreeable to the requested modification and will advise the WUCC, accordingly. The attached zoning map, which you earlier provided to the WUCC, identifies those Route 6 corridor areas as R-2 Residential, Industrial and General Business.

Your trust in Connecticut Water is appreciated!

Very truly yours,

A handwritten signature in blue ink, appearing to read "David L. Radka".

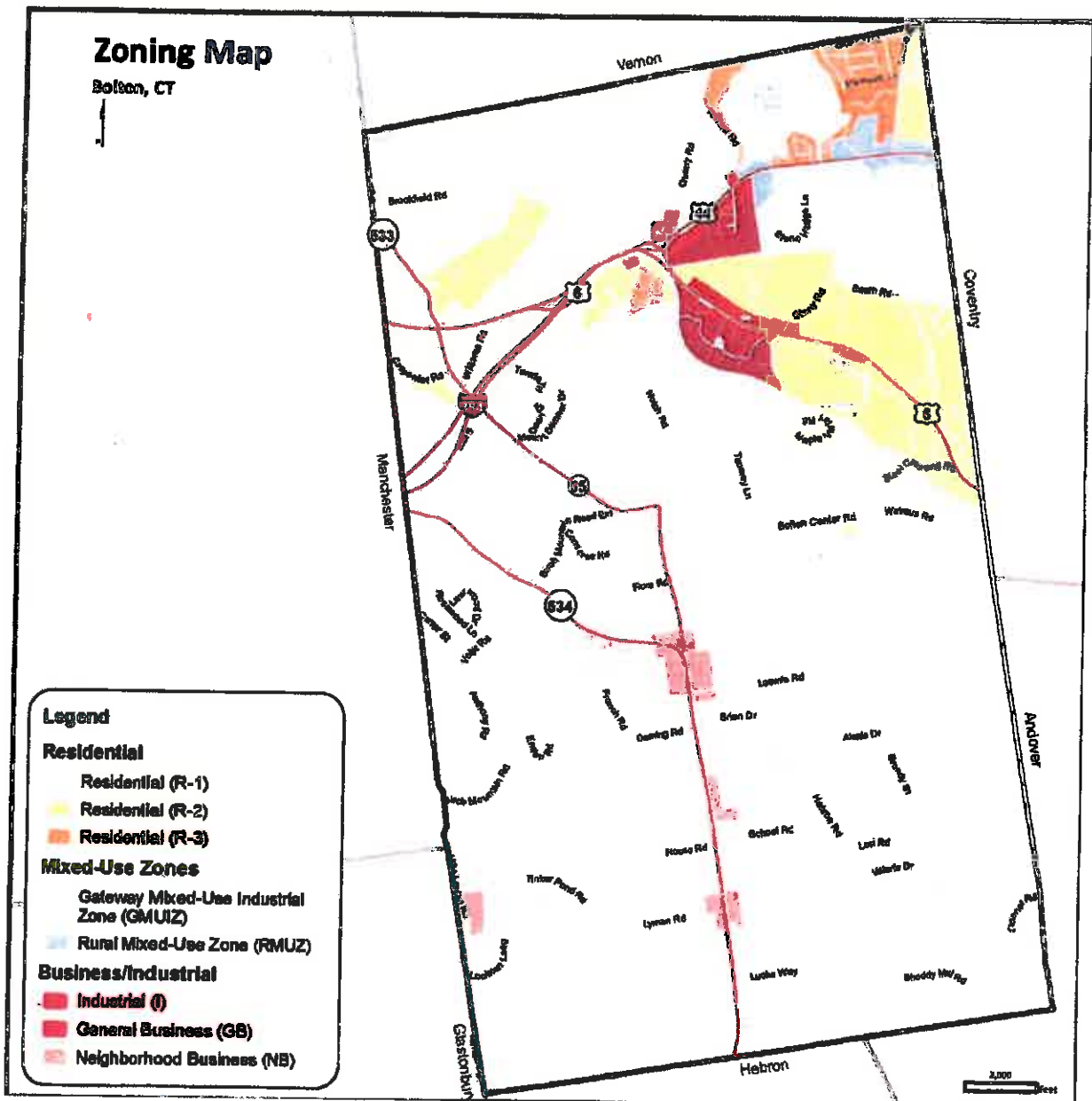
David L. Radka
Director of Water Resources & Planning

Enc: Zoning Map

Cc: Joyce Stille, Administrative Officer Town of Bolton

Zoning in Bolton

Most of Bolton is zoned for single-family residential uses, although the R-1 and R-2 districts also allow for two-family homes on larger lots. The R-2 district also allows for multifamily development. Business, industrial, and mixed-use zones are located along Route 6 and Route 44, with some neighborhood business zones along Route 85.



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May 1, 2017

Central Region WUCC
c/o Jeanine Gouin
Milone & MacBroom, Inc.
99 Realty Drive
Cheshire, CT 06410

Re: Withdrawal of Aquarion ESA Claim to Bolton in the Central WUCC Region

Dear Ms. Gouin,

After discussions with representatives of the Connecticut Water Company, the Aquarion Water Company hereby withdraws its Exclusive Service Area (ESA) claim to the previously claimed areas in the Town of Bolton in the Central Water Utility Coordinating Committee (WUCC) Region.

If you have any questions please give me a call at (203) 362-3033.

Sincerely yours,

A handwritten signature in blue ink that reads "Kenneth R. Skov".

Kenneth R. Skov
Manager Water Resources & Infrastructure Planning

Cc David Radka, Bart Halloran, Brendan Avery – Central WUCC
Daniel Lawrence – Aquarion
Joyce Stille, Administrative Office Town of Bolton
Patrice Carson, Consulting Director of Community Development Town of Bolton

Jeanine Gouin

From: Cooley, David <David.Cooley@ct.gov>
Sent: Thursday, May 11, 2017 2:55 PM
To: Jeanine Gouin
Cc: DRadka@ctwater.com; Bart Halloran (BHalloran@mdctlaw.com);
bavery@hazardvillewater.com; Sydoriak, Jamie; Fitting, Corinne
Subject: RE: DEEP Lands

Jeanine,

The DEEP Property that was claimed in the WUCC process was DEEP owned and maintained land in that, DEEP owns the land via some legal mechanism. We are in no way claiming lands that we have jurisdiction over through permitting requirements or other statutory/regulatory authority. That being said, our mapping and land ownership changes frequently, as discussed during several WUCC meetings, therefore, the mapping is a reference tool that is bound to change. The bottom line, is the rhetoric set within the WUCC reports that generally indicates that DEEP owned land is viewed differently and exempt from the requirements associated with Exclusive Service Areas.

I hope this provides sufficient clarification. DC

David Cooley, PE
Supervising Civil Engineer
Engineering Unit
Engineering & Field Support Services Division
Bureau of Central Services
Connecticut Department of Energy and Environmental Protection
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Ensuring a clean, affordable, reliable, and sustainable energy supply.*

From: Jeanine Gouin [mailto:jeanineg@miloneandmacbroom.com]
Sent: Thursday, May 11, 2017 8:34 AM
To: Cooley, David <David.Cooley@ct.gov>
Cc: DRadka@ctwater.com; Bart Halloran (BHalloran@mdctlaw.com) <BHalloran@mdctlaw.com>;
bavery@hazardvillewater.com
Subject: DEEP Lands

Good Morning, David,

I am attaching an email exchange that originated from Tom Hansen, representing Valley Water, as well as the reply from WUCC Co-Chair David Radka. Valley is looking for clarification relative to "DEEP-owned and maintained lands" verses land that is under DEEP jurisdiction. Specifically, they refer to land in Farmington, where the DEEP identified lands eclipse a large portion of the ESA claim by Valley Water. Much of this area is designated floodplain and/or wetland (shown on the attached map in the dark brown color with green cross-hatching). Can you provide some clarification on the nature of the identified DEEP lands relative to ownership and/or maintenance?

The next Central WUCC meeting is scheduled for next Wednesday, May 17. I am hoping to provide clarification at or prior to that meeting. If a phone call would be more efficient, please feel free to call me. Thanks.

~Jeanine

Jeanine Armstrong Gouin, P.E.
Vice President, Managing Director



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Please consider the environment before printing this e-mail.

Jeanine Gouin

From: Brendan Avery <bavery@hazardvillewater.com>
Sent: Wednesday, May 10, 2017 11:04 AM
To: Jeanine Gouin; dradka@ctwater.com; Bart Halloran
Subject: FW: official message from Rivers Alliance.

From: Margaret Miner [mailto:rivers@riversalliance.org]
Sent: Tuesday, May 09, 2017 7:02 PM
To: 'Samuel Alexander'; bavery@hazardvillewater.com
Cc: dbanker@themdc.com; Rivers Alliance
Subject: FW: official message from Rivers Alliance.

Hello Central and Western WUCC. I sent the comments below to the Western WUCC, and our staffer Tony Mitchell told me that the chairmen said that, if I sent the same comments to the other WUCCs, maybe you all would frame a join answer. My comments were keyed to the Western WUCC minutes, so the form is not ideal, but I believe you will recognize the questions. I do not need to see again the MMI explanation of ESAs. I have already commented that, while it explains what people intend the WUCCs and ESAs to be and do, it doesn't clear up the underlying legal questions. Thanks for your attention. Margaret

Here follows the letter to the Western WUCC (with a couple of typos corrected).

MINUTES

"The ESA boundaries in the ESA Document [its name is "Document"?] will be treated as enforceable once submitted to DPH by the WUCC in June." [emphasis added]

What does "treated as enforceable mean"? When does it become actually enforceable? What will be enforced how? I have asked over and over whether WUCC agreements are more or less enforceable than water supply plans. No answer. I assume that you mean DPH will do the enforcing, but what are its exact authorities and available penalties. I have heard that the exclusive service area might be taken away -- would the utility care? Would customers be taken away? Can a sale be forced at this time? What if there is no buyer?

When, under the statute does an exclusive service area become an Exclusive Service Area (ESA)? ESAs are not in the statute. There is no clear list of rights and responsibilities. I have read and heard various answers to this question, but most seem not founded in the statute. Donna Landerman in the Central WUCC raised questions that I am sure are shared by many. She was surprised to learn that she had an esa, much less an ESA. I have not met any legislator or town official (excluding COG people) who understand this esa/ESA situation at all. Most do not know what a WUCC is.

Page 3. Two issues. "requirement of an ESA holder to take ownership of new community water systems" and "right of refusal."

Is there a requirement for an ESA holder to take ownership? Or not? Under what circumstances can an ESA holder refuse to take ownership? Under what circumstances will the ESA holder have to be the manager of a system? Who gets to negotiate the terms of the agreement (how much will you all get paid)? Can an ESA holder stall the development of a community system by a town or business or school by saying he wants to be the supplier but needs a year to prepare? How much can an ESA system manager charge the owner. Etc.

These are practical questions. For example, In the Carr development in Bridgewater, Carr says Aquarion will be the owner. I think Aquarion is saying it will be the manager. Who's correct? What if the complex is half built, has tenants, and the developer bows out? Who will have ownership of the system? Who will run it? Who will pay? The right of first refusal mentioned in the minutes is connected to these questions. Can an ESA holder refuse to be the supplier if the developer or town wants them to be the supplier? (Water utilities always say that they are *obligated* to serve anyone who asks, but where is this written?) To what extent can an ESA holder be forced to take over and run a problematic system? Etc.

Finally, I see that there was discussion of the Integrated Plan. That is where the WUCC is required to do the environmental assessment (including the assessments of problems and conditions only partially done so far). And the WUCCs have pledged to revise esa assignments and supply agreements if environmental conditions raise issues. So, would it be some time after the Integrated Plan is done that an esa would become actually enforceable instead of being treated as enforceable???

Thanks for your attention, Margaret

Rivers Alliance of Connecticut
7 West Street, POB 1797
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Cell: 203-788-5161
<http://www.riversalliance.org>

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May 11, 2017

Central Connecticut Water Utility Coordinating Committee
c/o Brendan Avery
Hazardville Water Company
281 Hazard Avenue
Enfield, CT 06082
Attn: David Radka, Co-Chair and Bart Halloran, Co-Chair

Dear Messrs. Radka and Halloran:

The University of Connecticut ("UConn") has reviewed the Town of Mansfield's comment letter dated April 17, 2017 and we concur with the Town's suggestion that the Fenton Tract of the UConn Forest and UConn's undeveloped portion of the Pink Ravine area should be designated as unassigned on the Central WUCC's final Mansfield Exclusive Service Area (ESA) map.

As mentioned in the Town's letter, the University's 2015 Master Plan does not propose any new development in the aforementioned areas. Further, the Town's letter correctly references UConn's land preservation goals that are stated in the Master Plan's Sustainability Framework.

Attached please find a map which shows the boundary of UConn's existing service area revised to exclude the Fenton Tract, which we request be designated as unassigned on the WUCC's final ESA map. The attached map also shows the UConn-owned property in the Pink Ravine area, which is currently shown on the WUCC's preliminary ESA map as part of CT Water's exclusive service area, as an area that we request remain unassigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stanley L. Nolan".

Stanley L. Nolan

Director of Utility Operations and Energy Management

Cc: Jeanine Gouin, Milone & MacBroom, Inc.
Linda Painter, Town of Mansfield Director of Planning

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University of Connecticut-Revised Service Area Boundary Map

