

Meeting Minutes
 Central WUCC Meeting #8
 MDC Training Center – 125 Maxim Road, Hartford, CT
 January 18, 2016 1:30 p.m.

The Central Water Utility Coordinating Committee (WUCC) met on January 18, 2016 at 1:30 p.m. at the MDC Training Center at 125 Maxim Road, Hartford, Connecticut. Notice of the meeting was sent to WUCC members and posted on the DPH website <http://www.ct.gov/dph>.

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

WUCC Member Representative	Affiliation
Kenneth Skov	Aquarion Water Company
Robert Wesneski	Avon Water Company
Jack Healy	Berlin Water
Mary Ellen Kowalewski	Capitol Region Council of Governments
David Cooley	CT Department of Energy and Environmental Protection
Melissa Czarnowski	CT Department of Energy and Environmental Protection
Corinne Fitting	CT Department of Energy and Environmental Protection
David Radka	Connecticut Water Company
Eric Trott	Town of Coventry
Bill Milardo	Town of Durham
Jim Ventres	Town of East Haddam
Tim Smith	East Hampton WPCA
Brendan Avery	Hazardville Water Company
Jonathan Avery	Hazardville Water Company
Donna Landerman	Juniper Club Water Company
Patrick Kearney	Town of Manchester
Peter Hughes	Town of Marlborough
Dennis Waz	Meriden Public Utilities
David Banker	Metropolitan District Commission
R. Bartley Halloran	Metropolitan District Commission
Bob Young	Town of Middletown
Rose Gavrilocic	Regional Water Authority
Fred Rogers	Southington Water
Eugene Koss	Tolland Water
Jason Coite	UConn
Gene Roberts	UConn
Tom Hansen	Valley Water System
Nick Lachance	Valley Water System
Neil Amwake	Wallingford Water Division
Richard Meskill	Wallingford Water Division

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

Non-WUCC Member Representative	Affiliation
Rich Iozzo	CT Department of Public Health
Eric McPhee	CT Department of Public Health
Jeanine Gouin	Milone & MacBroom, Inc.
Guy Russo	Prime AE Group
Gail Lucchina	Public Utilities Regulatory Authority

The following actions took place:

1. Welcome & Roll Call

The meeting was called to order at 1:32 PM by Co-chairs David Radka of the Connecticut Water Company. A roll call was conducted in which everyone stated their name and affiliation.

2. Approval of November Meeting Minutes

The draft meeting minutes (previously distributed) had been changed to add Gene Roberts from the University of Connecticut to the list of attendees. The meeting minutes were approved unanimously with this change made.

3. Review of Formal Correspondence

The following correspondences were logged following the December meeting of the Central WUCC:

- January 5, 2016 – A letter was sent from the CT Department of Energy and Environmental Protection to the Co-Chairs expressing their desire to work through the conflicts in claims and asking that this process not be taken up in January.
- January 12, 2016 – An open letter was sent from the Chairs of all three WUCCs in response to the numerous public letters that expressed similar concerns over prioritizing environmental protection, requiring water conservation, and like issues.

Formal correspondence will be available for viewing on the DPH website <http://www.ct.gov/dph>.

Discussion:

- David Cooley from the Department of Energy and Environmental Protection stated that DEEP is currently working on a more detailed letter to further define from a legal perspective, the claims made by DEEP which should be sent out by January 31st.

- Donna Landerman of the Juniper Club Water Company asked if the letter from the WUCC Chairs would be directly sent to those who commented.
 - Jeanine Gouin of Milone & MacBroom, Inc. noted that most of the letters did not have a return address, precluding direct responses. Additionally, hundreds of letters have been received. The letter is available to be viewed online with the assumption that those who have expressed interest in and were following the process would have access to the response.
 - Ms. Landerman asked if there will be anything further beyond the letter in response to the public letters.
 - Ms. Gouin replied that some of the concerns raised in the letters are not under the purview or responsibility of the WUCC. Some are better suited to the State Water Plan and others are the responsibility of one or more state agencies. She did note, however, that many of the concerns raised by the public are in line with WUCC member goals and were addressed in the letter.
 - Ms. Landerman asked how the WUCC can address the environmental concerns of the citizens even if it's not in their scope.
 - Jonathan Avery of the Hazardville Water Company asked what the response to prioritizing water customer use was.
 - Ms. Gouin read the passage from the WUCC response letter that addressed this issue.

4. Review and Adoption of ESA Procedures

- Ms. Gouin reviewed the draft ESA procedures and went through the steps undertaken to date in this process. She specified that the ESA Evaluation worksheet was offered as a tool for evaluating conflict areas, but that its use was solely for individual use. There is no intent to collect these forms or use them in any formal manner. Rather, the worksheet is meant to be used as a tool if and when there is a conflict between ESA declarants.

Discussion:

- Mr. Halloran posed the situation whereby if the WUCC does not have a consensus and mediation is required, it would not make sense for a different set of WUCC members to vote on the decision at a later date if they had not been present for the initial presentation. He proposed that the mediation should more appropriately occur prior to the presentations such that the voting WUCC members would have the benefit of hearing the presentation.
- Ms. Gouin agreed and suggested that members attempt to mediate prior to presenting to the WUCC.
- Eugene Koss of Tolland Water Department stated that he assumed mediation was a last step.

- Mr. Radka replied that the last mediation he was a part of was in a South-Central WUCC conflict with a developer and they ended up getting to resolution in that meeting without needing to engage the entire WUCC membership.
- Mr. Radka stated that he agreed with Mr. Halloran that parties should not waste the WUCC's time if they are able to engage in mediation before bringing a conflict to the WUCC.
- Mr. Avery asked what the process for DEEP claiming land in ESAs that have been informally, but not formally approved by the original process?
 - Ms. Gouin replied that DEEP has acknowledged that petitions for modified ESA boundaries in areas previously assigned is a different process that will be addressed at a later time. She further stated that modification of an established ESA can be requested at any time and is not part of the initial declaration process.
 - Mr. Cooley reiterated that DEEP acknowledges there is a different procedure for ESA modifications and unassigned ESAs.
- Ms. Landerman asked for clarification on unassigned and assigned ESAs.
 - Ms. Gouin explained that ESAs were assigned in previous WUCC processes. Some of the previous WUCC regions were never convened and therefore ESAs have never been assigned in those locations. With the consolidation of seven WUCC water supply management areas down to three, the Central region includes eight towns in the northeastern portion of the region that have not been part of a prior WUCC and therefore have no assigned ESAs.
- Ms. Landerman asked if that means the 90% of area that has ESAs assigned are not going to get an environmental review.
 - Ms. Gouin stated that the environmental review is a separate process to the ESA process and the maps are unrelated. There are many areas where ESAs have been assigned, but where there is presently no public water service. Environmental review is triggered when a water utility submits a permit to DEEP to withdraw 50,000 gallons of water or more per day from a groundwater aquifer or a reservoir, not when an ESA is assigned. Assignment of an ESA provides no right or guarantee to develop or withdraw source water, nor does it replace the regulatory process administered by DEEP.
- Mr. Halloran made a motion to adopt the draft procedures with the change in timing on mediation. The motion was seconded and passed unanimously with Ms. Landerman abstaining from voting.

5. Summary of the ESA Affirmation and Declaration Forms, Potential Conflicts, and Discussion

- Ms. Gouin stated that the WUCC would not hear presentations at the January meeting and that there are likely to be few conflicts.

- Ms. Gouin reviewed ESA holder responsibilities as defined in statutes and regulations, including the following:
 - To provide service to new development within 200 feet of an existing system in the ESA.
 - To assume ownership and operation of new community water systems constructed under the Certificate of Public Convenience and Necessity process.
 - To take over ownership and operation of all non-community water systems on a voluntary basis only (i.e. right of first refusal).

- Mr. Radka stated that there was never any intent for an ESA holder to be required to take over a non-community water system, as was discussed in the Eastern WUCC January meeting.

- Mr. Avery asked for confirmation that an existing community system cannot be required to take over an adjacent system.
 - Mr. Radka thought this was a good question for the WUCC. Should a surrounding ESA holder be required to take over failing existing systems within their ESA?

 - Eric McPhee from the Department of Public Health stated that there are already processes in place for a takeover. In these processes, the surrounding ESA holder would probably be the most appropriate entity to serve.

 - Rose Gavrilovic of the Regional Water Authority asked who pays for the infrastructure upgrades of the failing system.
 - Gail Lucchina of the Public Utilities Regulatory Authority stated that they have an open docket on that issue and a decision will be forthcoming soon. There are various ways to solve different situations such as a surcharge on the failing system's customers, so there is no one solution for every situation.

 - Mr. Koss stated that in Tolland they have several rates for different customers which are all based on cost of service.

 - Ms. Landerman stated that representing a small system herself, this is an important issue to other small systems. She asked for new systems, who pays for the infrastructure of the development?
 - Mr. Koss stated that in Tolland whoever wants the water pays for the new system or the main extension. There are examples, however, where current customers subsidize mistakes made previously.

 - Mr. Avery asked if a developer is given a company's design standards for a new development which are higher than the DPH standards, can the developer appeal for a lower standard.

- Mr. Radka stated that they have the option of petitioning PURA to argue whether the increased standards are necessary, although they must abide by DPH standards at a minimum.
- Patrick Kearney of the town of Manchester asked if any entity can purchase a community water system as long as they have the money.
 - Mr. Mcphee stated that in such situations DPH would undertake a viability study for the sale of any community system, but having monetary capacity covers a lot of the issues related to technical and managerial capacity.
- Mr. Radka asked if the WUCC would like to keep some unassigned areas where there are no ESAs.
 - Ray Esponda of the town of the New Britain stated that since the WUCC had just been discussing ESA holders taking over failing systems, no one should be forced to take on an ESA.
 - Bob Young of the town of Middletown stated that there are significant areas that do not currently have an ESA holder. If no one claims these areas, new systems could develop in these areas without any ESA holder.
 - Mary Ellen Kowalewski of the Capital Region Council of Governments stated that the procedures the Central WUCC had just adopted require that there be no unserved islands.
 - Ms. Gouin concurred, but noted that unassigned areas would not necessarily be unserved islands. Some areas in prior WUCCs remained unassigned and that similar situation could occur again.
 - Mr. Koss stated that some areas should not have water service because they are intended to be conservation land.
- Ms. Gouin gave a current update of potential claimant conflicts.
 - Mr. Radka stated that he did not foresee the Connecticut Water Company having any conflicts that were not being worked out with the parties involved.
 - Mr. Koss stated that Tolland was amenable to working any issue out with DEEP.
 - Jack Healy of the town of Berlin stated that the town should be able to work out their conflicts with DEEP.
 - Tom Hansen of Valley Water Systems stated that there was nothing new to report. He asked if the criteria for serving an area had changed with DEEP's claims.
 - Mr. Radka replied that the criteria cannot change with the current WUCC process and every claimant will be treated the same way.

- Ms. Gouin stated that the Central WUCC will work with DEEP to get the conflicting areas closed out as much as possible.
- Ms. Gouin stated that the ESAs must be finalized by March 15th, and proposed an alternate meeting date for the March meeting to March 13th at 1:30 PM. The motion was made, seconded, and passed unanimously for this meeting date.

6. Public Comment

- There was no public comment

7. Other Business

- Ms. Gouin stated that the Connecticut Institute for Resilience and Climate Adaptation (CERCA) asked to present to the WUCC on the drinking water system vulnerability assessment for the 4 coastal counties. They will not need much time and the attending members were amenable to adding them to the February meeting agenda.
- DPH has also listed their high quality sources list on their website.
- The meeting was adjourned at 3:15 PM

Respectfully Submitted,
Brendan Avery, Recording Secretary – Central WUCC