

Meeting Minutes
 Central WUCC Meeting #9
 MDC Training Center – 125 Maxim Road, Hartford, CT
 February 15, 2017 1:30 p.m.

The Central Water Utility Coordinating Committee (WUCC) met on February 15, 2017 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
Kevin Schwabe	Avon Water Company
Ray Jarema	Berlin Water
Mary Ellen Kowalewski	Capitol Region Council of Governments
David Radka	Connecticut Water Company
Eric Trott	Town of Coventry
William Jarzavec	Cromwell Fire District
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
Patrick Kearney	Town of Manchester
Linda Painter	Town of Mansfield
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
Bonnie Reemsnyder	Town of Old Lyme
David Kuzminski	Town of Portland
Sam Gold	River Council of Governments
Eugene Koss	Tolland Water
Jason Coite	UConn
Gene Roberts	UConn
Tom Hansen	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
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
Brendan Schain	CT Department of Energy and Environmental Protection
Rich Iozzo	CT Department of Public Health
Eileen Fielding	Farmington River Watershed Association
Jeanine Gouin	Milone & MacBroom, Inc.
Judy Allen	Save Our Water - CT

The following actions took place:

1. Welcome & Roll Call

The meeting was called to order at 1:35 PM by Co-chairs David Radka of the Connecticut Water Company and Bart Halloran of the Metropolitan District Commission. A roll call was conducted in which everyone stated their name and affiliation.

2. Take Stock

Jeanine Gouin of Milone & MacBroom Inc. stated the maps for the ESA regions were not posted with the Central WUCC meeting agenda or within 14 days prior to the meeting; therefore no voting could take place. The possible declaration conflicts will be covered town by town, so the next meeting should go smoothly for voting. The next meeting will be Monday, March 13, 2017, out of sequence with the usual third Wednesday of the month.

3. Approval January Meeting Minutes

The meeting minutes for the January meeting were unanimously approved.

4. Review of Formal Correspondence

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

- February 1, 2017 – A letter from the CT Department of Energy and Environmental Protection to the WUCC chairs in all three regions explaining that they are withdrawing their claim for ESAs and offering two approaches to assignment of ESAs. The first would include DEEP lands in designated ESAs, with the acknowledgement that DEEP lands have special rights; the alternate approach would leave DEEP lands unassigned.
- February 1, 2017 – E-mail correspondence regarding a DPH well site suitability certification letter sent to Heartstone Winery in Columbia, CT for a proposed new TNC system.

- February 7, 2017 – A letter from the CT Department of Public Health to the CT Department of Energy and Environmental Protection in response to their February 1 letter acknowledging DEEP’s status and affirming their rights under law.

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

5. Discussion Regarding ESA Provider Roles and Responsibilities

- Ms. Gouin summarized the rights and requirements of an ESA claimant.

Discussion:

- Jim Ventres of the Town of East Haddam stated that according to an FAQ sent by the WUCC on February 1, 2017, a new ESA boundary was created every time a new Non-Transient Non-Community or Transient Non-Community water system is created. He thought the WUCC was interested in preventing these little islands from being created.
 - Mr. Radka replied that when the WUCC approves formation of these systems, they are generally very small and denoted on the ESA map by small dots to align the ESA boundary with the area being served.
- Peter Hughes of the Town of Marlborough stated that these individual non-community systems were never identified on previously established maps, and inquired as to which maps will be used going forward?
 - Ms. Gouin replied that by definition you cannot have overlapping ESA holders and that the identified systems are not part of the surrounding ESA holder; however, mapping technology in GIS has significantly improved in the past several decades, thus enabling individual call-out of small community and non-community systems. Moving forward, it is the intent to include these systems on the ESA mapping.
- Sam Gold of the River Council of Governments stated that a problem occurs as to whether the maps use parcel lines or if the ESA is within a parcel. A large enough parcel would open the discussion up for further development.
 - Mr. Ventres added that this could create problems when the WUCC creates new boundaries.
 - Mr. Radka responded that in these cases CT DPH only approves these sites for their original intended purpose. A system that wishes to expand beyond that use, even if on the same parcel, would be required to go through the CPCN process again.
- Linda Painter of the town of Mansfield identified a need to educate small business owners who have no experience dealing with the WUCC process. Small business owners don’t know where to go to get well-site approval or how the process works.

- Dave Radka responded that this process is fairly well established where other WUCCs have been in place and that education in newly established regions should be one of the WUCC's goals.

6. Consider and Approve Preliminary Exclusive Service Areas

- Ms. Gouin stated that the Central WUCC has eight towns with previously unassigned ESAs where no former WUCC was established in addition to small areas within three other municipalities (Farmington, Southington, and East Hampton) that are currently unassigned. Taking into consideration the DEEP withdrawal of their claimed ESAs, there appear to be no further conflicts. Tolland and CT Water Company have verbally indicated that they do not have a conflict, but there is not yet a clear delineation between them at this time.
- David Cooley of the Department of Energy and Environmental Protection explained that the change between the January and February WUCC meetings involved DEEP's legal staff looking at the statutes and concluding that DEEP was excluded from being able to hold an ESA. DEEP is also excluded from the certificate process for a new water system.
- Brendan Schain of the Department of Energy and Environmental Protection stated that all lands owned by DEEP have sovereign immunity. DEEP requests either the WUCC keep these lands unassigned with regard to ESAs or that the assigned areas recognize DEEP's sovereign immunity.
- Jason Coite from the University of Connecticut asked if this applies to all government owned land, including the University.
 - Mr. Halloran stated that he is comfortable with the WUCC assigning ESAs. He is not, however, comfortable with the WUCC making legal interpretations involving DEEP lands or any other state entity.
 - Mr. Schain replied that the Eastern WUCC left these areas unassigned partially for that reason. The Western WUCC decided to assign some of these areas, but will add a note to the maps that the land would be designated as different from other assigned land. This language is not currently worked out. DEEP is not asking the WUCC to be specific, but just that these lands are different.
 - Mr. Hughes stated that he agrees with Mr. Halloran that the WUCC not put any further language on the maps.
 - Ray Jarema of the Town of Berlin stated that DEEP has a water system within their land; therefore they are a water system.
 - Mr. Cooley replied that DEEP does not have any community systems now.
 - Mr. Gold suggested that the report text reference the State's sovereign immunity and let the courts decide anything beyond that.

- Mr. Cooley stated that with regard to UConn, the certificate statute specifically mentions DEEP by name, so it could be different from UConn or other government bodies.
- Mr. Gold stated that DEEP may own small parcels of land that would not show up on a map. This is why he would recommend leaving the DEEP areas unassigned and if the area is already assigned, it would just be acknowledged that DEEP land is different.
- Mr. Schain stated that he would send out what the Western WUCC agreed to.

7. Review and Discussion of Preliminary Exclusive Service Area Report (20 minutes)

- Ms. Gouin reviewed each previously unassigned town/area to allow discussion on its ESA claimants. The first town reviewed was Andover, where Aquarion is claiming all of the non-DEEP claimed land.
- Mary Ellen Kowalewski of the Capitol Region Council of Governments stated that she thought the water companies were going to reach out to each town to let them know who is claiming what ESA and noted that the towns should be contacted before ESAs assigned.
- Mr. Hughes made a motion to remove any special language from future maps regarding DEEP land. Mr. Gold seconded this motion.
 - Mr. Radka stated that new maps could be generated after working with DEEP on some language and approving it to create some acknowledgement of their land.
- Mr. Coite stated that the document DEEP references as to why they cannot hold an ESA seems to imply that all state agencies cannot claim ESAs. UConn would like clarification on that from DPH.
 - Bob Young from the town of Middletown stated that some state agencies currently do have an ESA, such as state hospitals.
 - Mr. Jarema agreed with Mr. Young that UConn can hold an ESA since other state agencies hold ESAs.
 - Mr. Koss stated that even DOT has systems that use and/or operate water systems.
 - Mr. Radka stated that the existence of regulated water systems is not in question. The question is whether or not they can claim ESAs.
 - Mr. Gold stated that the WUCC cannot go down the road of answering all these legal questions because it may not be enforceable.
 - Mr. Young stated that these systems do exist even if they cannot claim an ESA.

- Mr. Hughes made a motion to get clarification from DPH around all state agencies around this issue. Mr. Ventres seconded the motion.
 - Mr. Radka stated that sometimes it is better to go with the intent of the statute instead of getting into whether UConn is a water system or not a water system. The WUCC should be allowed to assign them an ESA, but the WUCC can get clarification on that.
- Mr. Coite stated that he finds the intent of the description in the document troubling.
- Patrick Kearney of the Town of Manchester stated that the WUCC should show the entire land as Aquarion's ESA in the example of the town of Andover and not leave large pieces unclaimed for DEEP land.
- Mr. Hughes clarified his motion that the WUCC would not like any designation of any DEEP lands on any maps and the revised maps would not have any notation regarding sovereign immunity.
 - Mr. Ventres stated that in the body of the report we could add any language DPH wants to add.
 - Mr. Radka voted opposed and the remaining WUCC members voted to adopt the motion; thus the motion carried.
- The second motion on the floor from Mr. Hughes regarding clarification from DPH passed unanimously.
- Ms. Gouin asked Kenneth Skov of Aquarion Water Company for clarification if they wished to claim the unclaimed DEEP lands.
- Ms. Gouin then reviewed the ESA claims in the town of Berlin. The only new claim is on the western portion of town which is claimed by the town of Berlin.
- Ms. Gouin stated that there is the potential for confusion showing both the ESA and the water infrastructure on the ESA mapping and that the distribution system mapping will be out of date as soon as the infrastructure changes.
- Ms. Gouin reviewed ESA claims in the town of Bolton.
- Jonathan Avery of the Hazardville Water Company stated that there are some older cases where the boundary for ESAs is such a thick line that properties close to the line might appear to be in two different ESAs. He stated that more current maps with finer lines would be good.
 - Ms. Gouin stated that there is currently no plan to present ESA mapping on a parcel by parcel basis and that Milone & MacBroom has not been contracted to do so.
- Ms. Gouin stated that CT Water claimed the entire northern portion of the town of Bolton, but the remainder of the town is unclaimed, with the exception of Town-owned land which Bolton previously claimed.

- Mr. Radka stated that the town of Bolton should be contacted regarding the status of the ESA claims.
 - Ms. Kowalewski agreed to reach out to the town.
- Ms. Gouin reviewed ESA claims in the town of Columbia. CT Water claimed their current system in town, but no additional area. Most of this town is unclaimed.
- Ms. Gouin reviewed CT Water Company's ESA claim in the town of Coventry, where there are no other claimants.
- Ms. Gouin reviewed the ESA claim in the town of East Hampton, where Aquarion is claiming the only unclaimed area in the northern part of town.
- Ms. Gouin reviewed the ESA claim the town of Farmington, where Valley Water Company claimed the only previously unclaimed area in the southern part of town.
- Ms. Gouin reviewed the ESA claims in the town of Mansfield, where UConn has claimed its current system; Windham Water Works has claimed an area in the southern part of town; and CT Water has claimed the remainder of town.
 - Mr. Coite stated that there are agricultural lands in town that it prefers remain unassigned.
 - Mr. Radka agreed that leaving those areas unassigned would not be a problem for CT Water.
 - Mr. Kearney asked if you add a customer within a separate ESA, but the service is off of CT Water's Main, how would that arrangement work?
 - Mr. Radka stated that a single customer would be that ESA holder's customer with that ESA holder buying the water from CT Water. If it was a new system, it would be a consecutive system.
- Ms. Gouin reviewed the ESA claim in the town of Southington, with the edge of town being claimed by the town of Southington.
- Ms. Gouin reviewed the ESA claim the town of Stafford by CT Water Company.
- Ms. Gouin reviewed the ESA claims in the town of Tolland by CT Water Company and the town of Tolland. There is no apparent conflict; however, the specifics are still being worked out between the town and CT Water Company.
- Ms. Gouin reviewed the ESA claim in the town of Willington, by CT Water Company.

- Ms. Gouin requested comments on the draft ESA report text and mapping by March 13, 2017. Text changes will be discussed at the March 13 meeting.

8. Public Comment

- There was no public comment

9. Other Business

- Mr. Radka stated a transient non-community system known as Heartstone Winery in Columbia CT has received DPH approval for an existing well as a public water supply. There is no community water system within one mile of site, and the WUCC would need to formally approve this new TNC water system in Columbia, CT for it to move forward.
- Mr. Smith motioned for approval and Mr. Ventres seconded the motion. The motion passed unanimously.
- Ms. Gouin stated that CIRCA will be attending the meeting in March. She also presented a flow-chart explaining the timelines and relationships between the state water plan, the WUCC process, and the work being undertaken by CIRCA.
- The meeting was adjourned at 3:30 PM

Respectfully Submitted,
Brendan Avery, Recording Secretary – Central WUCC