

Meeting Minutes
Eastern WUCC Meeting #8
Northeastern Connecticut Council of Governments – 125 Putnam Pike, Killingly, CT
January 11th, 2017 1:00 p.m.

The Eastern Water Utility Coordinating Committee (WUCC) met on January 11th, 2017, at 1:00 p.m. The meeting was held at the Northeastern Connecticut Council of Governments offices at 125 Putnam Pike, Killingly, CT. Prior notice of the meeting was posted on the DPH website, Eastern WUCC webpage: <http://www.ct.gov/dph/wucc/>

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

WUCC Member Representative	Affiliation
Kenneth Skov	Aquarion Water Company
Corinne Fitting	CT DEEP
Craig Patla	Connecticut Water Company
Rick Stevens	Groton Utilities
Raymond Valentini	Groton Utilities
Brendan Avery	Jewett City Water Company
John Avery	Jewett City Water Company
Chris Clark	Mohegan Tribal Utility Authority
Eric Sanderson	Northeastern Connecticut Council of Governments
Mark Decker	Norwich Public Utilities
Samuel Alexander	Southeastern Connecticut Council of Governments
Josh Cansler	Southeastern Connecticut Water Authority
Matthew Cunningham	Town of Chaplin
Jim Paggioli	Town of Colchester Sewer and Water
Mike Cherry	Town of Ledyard WPCA
Craig Baldwin	Town of Pomfret
Patrick Bernardo	Town of Putnam/SUEZ
Dale Boisselle	Town of Sterling WPCA
Neil Cook	Town of Sterling WPCA
Delia Fey	Town of Woodstock
Paul Deveny	Windham Water Works
Jim Hooper	Windham Water Works

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

Non-WUCC Member Representative	Affiliation
Jacob Ducharme	CT DPH
Justin Milardo	CT DPH
Jean Pillo	Eastern Connecticut Conservation District
Scott Bighinatti	Milone and MacBroom, Inc.

A copy of the meeting agenda is attached. A copy of the presentation given at the meeting will be available for download from the Eastern WUCC webpage.

The following actions took place:

1. Welcome & Roll Call

The meeting was called to order at 1:07 PM by Tri-chairs Pat Bernardo (Town of Putnam/SUEZ) and Mark Decker (Norwich Public Utilities).

All in attendance stated their names and affiliations.

2. Approval of December Minutes

Mr. Decker asked for comments and changes to the December Meeting minutes. There were none.

Mike Cherry (Town of Ledyard WPCA) made a motion to accept the December Meeting minutes as presented. Craig Patla (Connecticut Water Company) seconded the motion. The motion carried unanimously.

3. Formal Correspondence

Samuel Alexander (Southeastern Connecticut Council of Governments (SCCOG)) described the formal correspondence sent and received by the Eastern WUCC.

- Mr. Alexander stated that additional letters were received from citizens in East Lyme dated December 7st and 8th, regarding the need for a statewide water planning strategy that prioritizes the public's need for clean drinking water over corporate interests, prioritizes environmental protection while allowing for sustainable economic development, provides opportunities for public comment, requires water conservation, and encourages regional solutions in the water supply planning process.
- Mr. Alexander stated that a notification regarding updated Exclusive Service Area (ESA) declarations received to-date, notice requesting public comment, and an expected schedule of conflict-resolution presentations was emailed to active Eastern WUCC members, municipalities where ESAs are not yet assigned, and interested parties on December 16th.

- Mr. Alexander stated that a letter was received on January 5th from the Connecticut Department of Energy and Environmental Protection (CT DEEP) requesting deferment of the resolution of CT DEEP ESA conflicts to the February meeting.
- Scott Bighinatti (Milone and MacBroom, Inc.) added that, in addition to an electronic message, a hard copy of the notification regarding ESA declarations (sent on December 16th) was mailed to the 16 municipalities in which preliminary ESAs were being declared.

4. Public Comment

Mr. Decker asked if there were comments from the public, also asking that comments pertaining to preliminary ESA declarations and the process for establishing ESAs be held to agenda item 7.

There were no comments from the public.

5. Summary of ESA Declaration Forms, Public Comments Received on Declarants, and Discussion

Mr. Bighinatti began a PowerPoint presentation describing the process to-date for establishing preliminary ESAs.

- Mr. Bighinatti stated that the Water Supply Assessment, approved at the December meeting is available online.
- Mr. Bighinatti stated that all entities wishing to declare a new ESA have done so, and that most conflicts between prospective ESA holders have been resolved between those parties. Mr. Bighinatti also stated that preliminary ESA boundaries for the town of Windham would be considered for approval at the meeting since modified ESA declarations by Windham Water Works and CT DEEP were received immediately following the December meeting. Mr. Bighinatti continued, clarifying that that WUCC-facilitated conflict-resolution presentations were scheduled for the January meeting but that those presentations will not be necessary due to conflicts being resolved outside of WUCC meetings.
- Mr. Bighinatti stated that, moving forward, the WUCC will continue the ESA process and begin work on the Integrated Report. Mr. Bighinatti explained that per the schedule called for in the Statutes and Regulations, the WUCC would be finalizing the Preliminary ESA Document for approval in March, which will depict WUCC recommendations for preliminary ESA boundaries. Mr. Bighinatti continued, stating that the final ESA Document is scheduled to be completed by June.
- Mr. Bighinatti described, using a PowerPoint slide, the status of ESA declarations in currently unassigned areas and the claims made and modified by Aquarion Water Company, Connecticut Water Company, CT DEEP, Jewett City Water Company, Putnam WPCA, Sterling WPCA, and Windham Water Works.
- Mr. Patla asked if any municipalities declared ESAs.
 - Mr. Bighinatti stated that Putnam, Sterling, and Windham, which operate public utilities, have declared ESAs.
- John Avery (Jewett City Water Company) asked if any areas of the region remained unclaimed.

- Mr. Bighinatti stated that there are no unclaimed areas.
- Mr. Decker asked for clarification that upon resolution of any CT DEEP conflicts there would be no areas unclaimed.
 - Mr. Bighinatti confirmed that was the case and stated that CT DEEP provided an ArcGIS shapefile of their declared ESAs.

6. Consider and Approve Preliminary Exclusive Service Area for the Municipality of Windham as Submitted by Windham Water Works and Connecticut DEEP

Mr. Decker asked for clarification that Windham was the only municipality requiring approval of preliminary ESA at the meeting.

- Mr. Bighinatti confirmed.
- Mr. Decker asked if the WUCC was taking action because there was no conflict between ESA declarants in Windham
 - Mr. Bighinatti confirmed that was the case and stated all conflicts in Windham had been resolved prior to the posting of the agenda, which allowed these preliminary ESAs to be added for consideration and approval at the January meeting.
- Mr. Decker asked for clarification on ESA procedures for approving preliminary ESAs.
 - It was clarified that the preliminary ESA boundaries for Windham would be brought to a vote by the WUCC and only present WUCC members could vote, with one vote given to each entity. It was also clarified there was no specific language required for a motion but a motion should state approval is for a map of preliminary ESA boundaries, for inclusion in the ESA Document, to go out for public comment.

Mr. Bighinatti presented a map showing declared preliminary ESAs in the town of Windham, with the ESA for areas currently unserved by public water service to be divided between Windham Water Works and Connecticut DEEP.

Jim Hooper (Windham Water Works) made a motion to approve the presented map showing preliminary ESA boundaries in the municipality of Windham, for inclusion in the ESA Document, to go out for public comment. Chris Clark (Mohegan Tribal Utility Authority) seconded the motion. Discussion followed.

- Mr. Bighinatti described in more detail the presented preliminary ESA map for the town of Windham
- Mr. Decker asked about current and future water service to the Mansfield Hollow Dam facility.
 - Mr. Bighinatti stated that most of the facility was located in the Central WUCC region but that Mansfield Hollow Dam may already have an ESA associated with their property by operating a small system.

- Mr. Decker asked about ESAs crossing WUCC boundaries and asked if that would be stated on the map.
 - Mr. Bighinatti stated that it would be appropriate to call out those situations on maps as part of the Final ESA Document.
- Mr. Avery asked if any community water systems existed inside of areas claimed by CT DEEP.
 - Mr. Bighinatti stated that there were none in Windham, and that any public water systems on state land would likely be TNC systems.
- Mr. Bernardo asked for clarification that, if CT DEEP were unable to provide water to an area within their ESA, and if water needed to be provided by another utility, then the new area served would become part of the other utility's ESA.
 - Mr. Bighinatti stated that this would typically be the case, with the exception being that if water were supplied by alternative utility company and metered from the street as a consecutive water system, CT DEEP would not relinquish the newly served portion of their ESA as they would still be operating the system.
- Mr. Cherry asked for clarification on the implications of Section 16-262m of the Connecticut General Statutes (CGS) and asked about the responsibility of an ESA holder to take on smaller, existing and new systems.
 - Mr. Bighinatti stated that, in practice, ESA holders are not required take on existing systems within their ESA and that CGS §16-262m applies to new public water systems, per agreed upon conditions with the ESA holder.
 - There was additional discussion about the responsibilities of ESA holders in this instance. Mr. Bighinatti provided a brief overview of the Certificate of Public Convenience and Necessity Process governed by CGS §16-262m. Mr. Cherry read the part of the statute pertinent to ESA holders and noted that it was strongly worded such that the ESA provider must operate all new public water systems in its ESA. Mr. Bighinatti explained that in practice, ESA holders have been expected to serve new community public water systems, but may use the process under CGS §25-33i to ask the WUCC to make a recommendation regarding non-community systems. Several utilities stated their opposition to owning and/or operating non-community systems for a variety of technical, financial, and political reasons, and noted that they would amend their ESA declarations if that was the expectation.
 - It was noted to general concurrence that the WUCC would like to see a clarification of CGS §16-262m from the Connecticut Department of Health (CT DPH) because it may affect the willingness of declarants to claim ESAs in certain areas of the region.
 - Mr. Bighinatti stated that a draft of the Preliminary ESA Document would be completed in January, which will attempt to answer questions regarding ESA holder responsibilities and that declarants will have the opportunity to review that document before the remaining preliminary ESA boundaries are considered at the meeting in February.

- Mr. Avery stated that the coloration of the CT DEEP ESA and Non-Transient Non-Community Systems (NTNCs) on the map was confusing because both features were yellow.
 - Mr. Bighinatti stated that he will work to make sure that map features are clearly presented.
- Mr. Avery asked about the labeling of a NTNC operated by the Town of Windham being shown on the map, asking why that school wouldn't be shown as part of the town's existing service area.
 - Mr. Bighinatti stated that occasionally a public school, for example, has a NTNC that is operated and maintained by a separate entity such as a board of education. Mr. Bighinatti continued, stating that if a situation existed where an ESA holder also operated a Transient Non-Community System (TNC) or NTNC, a note could be placed on the ESA map to that effect.
- Mr. Cherry reiterated concerns about CGS §16-262m, clarifying that it is the intent of the WUCC process to promote adequate and reliable drinking water, in part by reducing the number of small public water systems that may not have the capacity to reliably supply water. He noted that DPH's stated goal of reducing the proliferation of small systems, and the overall number of small systems, appears to be in conflict with procedure in CGS §25-33i allowing the WUCC to recommending the creation of a new public water system not owned and/or operated by the ESA provider.
 - Mr. Decker stated that the WUCC will seek clarification.
 - Mr. Milardo (CT DPH) asked Mr. Decker if the WUCC would submit a request in writing.
 - Mr. Decker confirmed that the Chairs would make a request in writing.
- Mr. Decker asked Mr. Alexander to reread the motion made by Jim Hooper and seconded by Chris Clark.
 - Mr. Alexander reread the motion.
 - The motion was brought to a vote. The motion passed unanimously.

7. Formal Preliminary Exclusive Service Area Conflict Resolution Presentations

Mr. Decker asked for clarification that there were no preliminary ESA conflict resolution presentations needed at the meeting.

- Mr. Bighinatti confirmed. Mr. Bighinatti continued with a PowerPoint presentation, briefly reviewing, for a second time, the status of ESA declarations and conflicts to-date.
- Mr. Decker stated that at the February meeting, the WUCC can expect to consider approvals of preliminary ESA boundaries, similar to the approval of boundaries for Windham. Mr. Decker continued, stating that the WUCC will seek clarification of CGS §16-262m.
- Mr. Bighinatti stated that declaration forms received to-date will be posted on the CT DPH website.
- Mr. Decker asked if modification to ESAs will be considered prior to the Final ESA Document in June.

- Mr. Bighinatti stated that it could be possible if ESA holders have sufficient lead time and that perhaps meeting time could be dedicated to the topic of ESA modifications. He cautioned that existing providers had been told that June was the date that modifications would begin to be considered, and that the WUCC should notify existing ESA holders if that schedule is advanced.
- Mr. Decker clarified for the WUCC that ESA holders that may potentially be in conflict in the future should seek to resolve conflicts as early as possible.

8. Other Business

Mr. Bighinatti reminded attendees that an initial draft of the Preliminary ESA Document will be distributed toward the end of January.

Mr. Bighinatti stated that CT DPH has contracted with the Connecticut Institute for Resilience and Climate Adaptation (CIRCA) to complete a *Drinking Water System Vulnerability Assessment* and that CIRCA wished to attend either the February or March meeting to briefly discuss the scope of work of that assessment.

Mr. Avery asked about the location of the February meeting.

- Eric Sanderson (Northeastern Connecticut Council of Governments (NECCOG)) stated that he will check on the availability of NECCOG for the February meeting.

Mr. Decker asked if there was additional public comment. Hearing none, Mr. Decker adjourned the meeting at 1:59pm.

Respectfully submitted,

Samuel Alexander (Southeastern Connecticut Council of Governments)
Recording Secretary