

Workshop Minutes
Eastern WUCC ESA Process Subcommittee Workshop
Southeastern Connecticut Water Authority – 1690 Route 12, Gales Ferry, CT
August 31, 2016 1:30 p.m.

The Eastern WUCC Exclusive Service Area (ESA) Process Subcommittee held a workshop on August 31, 2016 at 1:30 p.m. The meeting was held at the Southeastern Connecticut Water Authority (SCWA) office at 1690 Route 12, Gales Ferry, Connecticut. Prior written notice of this meeting was given via mailings from the Department of Public Health (DPH) to Eastern WUCC members and interested parties, and the notice of the meeting dated August 12, 2016 was posted on the DPH website <http://www.ct.gov/dph/wucc>.

The following ESA Process Subcommittee representatives were in attendance:

- Mr. Josh Cansler, SCWA
- Mr. Paul Deveny, Windham Water Works
- Mr. Bob Congdon, Town of Preston

Other attendees included Mr. Jim Hooper, Windham Water Works, and Mr. Scott Bighinatti, Milone & MacBroom, Inc. (MMI). ESA Process Subcommittee representative Patrick Bernardo (Town of Putnam/SUEZ) was unable to attend the meeting.

As noted in the August 12, 2016 notice, the ESA Process Subcommittee has two specific tasks:

- A. Reviewing and consolidating the process for establishing new ESAs and modifying existing ESAs as authorized by State Statute, State Regulation, and the Eastern WUCC Bylaws into a straightforward guidance document that will be added to the Work Plan.
- B. Preparation of declaration forms and scoring rubrics which will be used by WUCC members to vet utility and municipal ESA claims.

The workshop began at 1:45 p.m. Mr. Deveny and Mr. Hooper discussed the small system operated by Windham Water Works in Chaplin as well as potential issues with small Community systems in Windham. Mr. Deveny and Mr. Hooper asked for examples of what could happen if a small system fails adjacent to the ESA claimed by a larger utility, but away from their current system. Will the larger utility be responsible for paying for improvements? Mr. Bighinatti explained that the funding process is dependent upon the situation, but in most cases DPH works with a smaller system (via guidance or consent order) to have them fund improvements prior to a takeover being requested.

Mr. Congdon recalled that the reason he got involved in the WUCC process during the southeastern WUCC about 20 years ago was that there was an issue in Durham where the ESA provider was unwilling to fund improvements and the Town ultimately had to take over the system. Mr. Deveny asked if municipalities are ultimately responsible for taking over systems if no one else wants them. Mr. Bighinatti indicated that although DPH will go to the ESA provider first and then to other utilities, if there is no one to take over a system it will fall to the municipality (one recent example is Middlefield).

Mr. Congdon recommended that someone meet with the municipal CEOs in the northern part of the region to explain the ESA process, as some municipalities may wish to old ESAs and have others run any eventual systems. This methodology has worked in Preston, which owns several small systems and has SCWA operate them. Mr. Bighinatti indicated that he would check with NECCOG to see if he could get on their agenda.

Mr. Bighinatti presented a draft "Frequently Asked Questions" document prepared by MMI in response to comments received at the August Central WUCC meeting. The document is currently under review by DPH. It contains a list of 18 questions and answers about the ESA process. Mr. Bighinatti asked the committee to review and provide suggestions for additional questions and answers to update this document, with the goal of eventual transmittal to the WUCC and the public. This document would also be built into the guidance document for the Work Plan, although additional modifications will be necessary.

Mr. Bighinatti presented a draft schedule of an ESA process timeline for the Eastern WUCC. In general, announcements regarding the ESA process will be distributed following the September WUCC meeting, and declaration forms would be distributed following the October meeting and due before the November meeting. The November meeting would present the declarations and identify areas with conflicting claims, areas unclaimed, and areas claimed by only one utility or municipality. Presentations to discuss potential conflicts would occur at the December, January, and February meetings. A preliminary ESA document would be submitted for public review following the March Meeting, and final submission to DPH would be in June.

Mr. Bighinatti presented the declaration form used in the previous ESA process. This document can be found on the DPH website in Appendix B of the former Southeastern Connecticut WUCC ESA Document. The group reviewed the document and concluded that it addressed the statutory and regulatory requirements needed for determining ESA boundaries. The group concurred that this document should be updated by MMI and presented to the ESA Process Subcommittee for a cursory review so it could be presented at the September 14, 2016 Eastern WUCC meeting for consideration.

Mr. Bighinatti asked if anything should be added to the form, noting that one of the public comments brought up at an earlier WUCC meeting was that the vast majority of customers will not be WUCC members but rather members of the public. Mr. Congdon recommended having a comment period following the declaration forms so that the public could provide opinions on the systems or municipalities claiming an area. Such comments would be available when presentations are made and scoring is conducted.

Mr. Bighinatti presented the scoring rubric used in the previous ESA process for the Southeastern Connecticut WUCC (Appendix C). The scoring rubric was used to score the background information and presentation data for ESA declarers who were in conflict over an area. The information was used to help WUCC members vote for a specific utility to be the ESA provider for an area. Discussion followed. The group agreed that the eight specific items were appropriate (seven items from the Statutes and Regulations and one additional category), although additional guidance would likely be needed under the descriptions to define each category. Mr. Congdon recommended, and Mr. Deveny concurred, that weights should be added to the items. Existing water service in the vicinity, physical limitations to water service, and the ability of a system to provide a pure and adequate supply into the future were suggested to be 60% of the overall score (20% each). The remaining items were scored at 15%, 10% or

5% of the total score. There was also discussion regarding expanding the score from 1 to 3 for each category to 1 to 5. Mr. Bighinatti will update the scoring rubric for consideration by the WUCC.

Mr. Congdon indicated that the Town has an automated spreadsheet which is used by the Town to score development projects. He offered to forward the spreadsheet to Mr. Bighinatti to help automate the scoring of the process.

Mr. Cansler asked if another meeting would be necessary. Mr. Congdon suggested scheduling the next workshop now as it could always be cancelled if it was not needed. The Eastern WUCC ESA Process Subcommittee meeting was scheduled for September 28th at 1:30 P.M. at the SCWA office.

As discussion was concluded, the workshop adjourned at 3:00 p.m.

Respectfully Submitted,

Scott Bighinatti, Milone & MacBroom, Inc.