

Meeting Minutes
Eastern WUCC Meeting #16
Southeastern Connecticut Council of Governments – 5 Connecticut Avenue, Norwich, CT
September 13th, 2017 1:00 p.m.

The Eastern Water Utility Coordinating Committee (WUCC) met on September 13th, at 1:00 p.m. The meeting was held at the Southeastern Connecticut Council of Governments offices at 5 Connecticut Avenue, Norwich, 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
Cindy Gaudino	Connecticut Water Company
Brad Kargl	East Lyme Water and Sewer
Raymond Valentini	Groton Utilities
Brendan Avery	Jewett City Water Company
Jonathan Avery	Jewett City Water Company
Chris Clark	Mohegan Tribal Utility Authority
Mark Decker	Norwich Public Utilities
Samuel Alexander	Southeastern Connecticut Council of Governments
Jim Butler	Southeastern Connecticut Council of Governments
Josh Cansler	Southeastern Connecticut Water Authority
Bob Congdon	Town of Preston
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
Linda Ferraro	CT DPH
Eric McPhee	CT DPH
Justin Milardo	CT DPH
Melissa Czarnowski	CT DEEP
Scott Bighinatti	Milone and MacBroom, Inc.

A copy of the meeting agenda is attached. A copy of the presentations (including Connecticut State Water Plan 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 Mark Decker (Norwich Public Utilities), Bob Congdon (Town of Preston), and John Avery (Jewett City Water Company). All in attendance stated their names and affiliations.

2. Approval of July Meeting Minutes

Mr. Congdon asked for comments and changes to the August Meeting minutes. There were none. Josh Cansler (Southeastern Connecticut Water Authority) made a motion to accept the August Meeting minutes as presented. Raymond Valentini (Groton Utilities) 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 responses to Integrated Report discussion prompts were received from six WUCC members.
- Mr. Alexander stated that a response letter was sent to Margaret Miner of Connecticut Rivers Alliance on September 11th. The letter was in response to questions raised following the May 2017 meeting and at the July 2017 Meeting.

4. Public Comment Period

Mr. Congdon asked if there were any comments from the public. There were none.

5. ESA Modifications Discussion/Update

Scott Bighinatti (Milone & MacBroom) asked if representatives from Norwich Public Utilities, Montville WPCA, Southeastern Connecticut Water Authority (SCWA), and Ledyard WPCA had information to share as to the status of potential exclusive service area (ESA) modifications discussed at previous meetings. There was no additional information to share to date and it was agreed that “ESA Modifications Discussion/Update” would continue to appear as a reoccurring agenda item.

6. Presentation by DPH on Revised Water Supply Planning Guidance Related to Public Act 17-211

Linda Ferraro of the Connecticut Department of Public Health (CT DPH) began a PowerPoint presentation providing guidance related to Public Act 17-211 and changes to Freedom of Information Act (FOIA) requirements for requests for water supply plan (WSP) data.

Ms. Ferraro explained the implications of Public Act 17-211, which removes water company records as information protected from FOIA requests, and requires CT DPH to process FOIA requests related to water companies whereas the Department of Administrative Services (CT DAS) formerly processed such requests. Ms. Ferraro stated that the following information is not subject to FOIA requests: cybersecurity plans, emergency contingency plans, information and communications systems, vulnerability assessments, operational and design specifications of water and sewage treatment facility security systems or risk management plans, emergency contingency plans and emergency preparedness plans (except drought management and response plans shall be subject to disclosure), design drawings or maps identifying specific

locations, detailed schematics and construction details of wells, source water intakes, water mains, tunnels, storage facilities, water and sewage treatment facilities or pump stations (provided information regarding general location of water mains, wells and interconnections shall be subject to disclosure), dam specifications or dam safety documents, building floor or structural plans, specifications of structural elements or building security systems or codes, detailed network topology maps, distribution system hydraulic models, specific locations of or specifications regarding electrical power, standby generators or fuel systems for water system facilities (except that general information regarding these may be disclosed), operational specifications, schematics and procedures of water and sewage treatment plant processes and associated equipment and chemicals, including, but not limited to, facility use of chlorine gas storage and delivery and the location of chemicals (except that a general description of any such treatment plant may be disclosed).

Ms. Ferraro also explained that the law requires new WSPs to be submitted to CT DPH with a public, redacted copy that may be distributed upon request. Ms. Ferraro stated that, when processing FOIA requests for current WSPs that are not presently accompanied by a redacted copy, CT DPH will rely on previous DAS determinations and past practices to determine which information is sensitive and should be withheld.

Mr. Congdon asked for clarification that CT DPH is not required to notify water companies of FOIA request.

- Ms. Ferraro confirmed that CT DPH is not required to notify water companies of data requests, as CT DAS had been previously, and reiterated that CT DPH has guidance to determine what information should and should not be shared.
 - Mr. Congdon explained that open communication with water companies regarding FOIA requests would be preferred even if such communication is not currently required by law.

Brendan Avery (Jewett City Water Company) asked if distribution maps and specific locations of equipment (such as tanks or wells) should be shared in the public version of the WSP.

- Eric McPhee (CT DPH) explained that water companies are not constrained in what information they can provide to the public in their WSP; however, water companies should follow the law in determining what information, if any, should not be shared. Mr. McPhee explained that water companies should have the expectation that the redacted, public version of the WSP will be shared in full.
 - Ms. Ferraro stated that CT DPH would not share information that could be harmful to security.
- Jonathan Avery explained that most WSPs will be written by consultants, in the future, and asked if CT DPH plans to provide guidance or a sample of a redacted plan so that contractors know what information should and should not be included in the redacted copy of the plan.
 - Ms. Ferraro stated that CT DPH did not plan to provide such guidance at the time. Ms. Ferraro explained that it is possible for Regulations to be written in the future.
 - Mr. Bighinatti stated that, as a consultant that has completed WSPs in the past, he felt there may be creative practices in providing redacted plans to CT DPH. For example, a

plan could be entirely made up of publicly sharable data but include potentially sensitive data in an appendix or submitted as a separate, secure document.

- Ms. Ferraro added that water companies are authorized to request that CT DPH consult with CT DAS when processing FOIA requests.

Mr. Decker asked Ms. Ferraro if CT DPH will be requesting updates to WSPs sooner than what is now required, in order to bring water supply plans into compliance with the new law.

- Mr. McPhee stated that CT DPH is unlikely to request WSPs sooner than expected and water companies will continue to receive a notification of an updated plan's due date one year in advance.

Mr. Decker asked for clarification regarding CT DPH using past FOIA rulings by CT DAS as guidance. Mr. Decker explained that CT DAS processed FOIA request under the old law, which was much more restrictive, and asked how past determinations would be useful moving forward.

- Ms. Ferraro explained that past CT DAS determinations would be used to determine sensitivity of items not specifically listed in the law as being sensitive.
 - Mr. Decker echoed Mr. Congdon's statement that communication regarding FOIA request would be preferred, especially if there were questions about the sensitivity of certain data.
 - Ms. Ferraro reiterated that CT DPH would be adhering to the law, which protects a lot of data.
 - Mr. Decker explained that the law is not explicit on the level of specificity that can be shared, such as the accuracy of location-based data.

Mr. Congdon asked about the role of the Freedom of Information Commission (FOIC) in handling appeals. Mr. Congdon explained that the FOIC should have guidance on what a sharable, redacted plan should look like.

- Ms. Ferraro explained that the FOIC would be handling requests as they come and that the practices of water companies and CT DPH would change based on the precedent they set.

Brendan Avery asked what would happen if CT DPH receives an FOIA request for a plan that is not accompanied by a redacted copy.

- Ms. Ferraro explained that CT DPH would go through the process of redacting the plan in accordance with the law and past practices.

Jonathan Avery asked for clarification on the role of CT DAS in processing FOIA requests.

- Ms. Ferraro explained that CT DAS would continue to process other FOIA requests, but that requests for water-company data, specifically, would be handled by CT DPH.

7. Integrated Report Topics

Mr. Bighinatti began a PowerPoint presentation and reviewed the progress of the WUCC to-date, as well Integrated Report topics and schedule for completion.

Presentation by DPH on Small System Capacity

Mr. McPhee began a PowerPoint presentation on Small System Capacity. Mr. McPhee began by congratulating the WUCC for its progress and acknowledging that accomplishments of the former Southeastern WUCC have created a model for the current Coordinated Water System Planning process across the State.

Mr. McPhee explained that the Drinking Water State Revolving Fund (DWSRF) could be used as a tool to encourage regionalization and to fund interconnections with large systems. Mr. McPhee presented a map of communities in which the DWSRF has been used.

- Mr. Congdon stated that the United States Department of Agriculture (USDA) administers programs that can be used to fund water-supply projects and interconnections in small towns. Mr. Congdon stated that it would be useful to see a map of USDA-funded projects.

Mr. McPhee explained the common challenges associated with small community and non-community water systems in Connecticut. Mr. McPhee also explained that the goal of discussing small systems, and a partial goal of the WUCC process, is to create statewide resiliency and redundancy and reduce the proliferation of small systems that lack the technical, managerial, and financial capacity to reliably supply water.

Satellite Management / Small System Viability

Mr. Bighinatti shared a PowerPoint presentation discussing Integrated Report module #8, Satellite Management/Small System Viability. Mr. Bighinatti explained the various difficulties associated with the consolidation of small systems.

- Jonathan Avery asked about high-risk small community systems and stated that it would be beneficial for all ESA holders to be aware of the high-risk systems within their ESA.

Mr. Bighinatti continued, explaining the specific issues related to small community systems and non-community systems. Mr. Bighinatti noted that there is limited financial incentive for systems to consolidate as they typically need to pay for the connection. Mr. Bighinatti also stated that the permitting process for new, small community and non-community systems is lengthy and development of new systems is costly. He reminded those in attendance that some municipalities or tax districts may wish to establish small water systems in rural village centers.

Mr. Bighinatti reviewed responses to module #8 discussion prompts from Aquarion Water Company, Connecticut Water Company, Jewett City Water Company, Norwich Public Utilities, SCWA, and Windham Water Works, and discussed module #8 with WUCC members.

- Mr. McPhee stated that CT DPH is able to do quite a bit too creatively fund small-system projects and prioritize projects of certain types during different funding periods. Mr. McPhee explained to the WUCC that Cameron Walden is the DWSRF coordinator at CT DPH and would be able to handle one-on-one questions or attend a future meeting to discuss DWSRF.

- Mr. Avery stated that a challenge to smaller entities in the use of the DWSRF is that there is a long lead time for receiving the low-interest loan, as opposed to borrowing from banks, which are typically more responsive. Small systems cannot rely on the DWSRF for emergency repairs, which for small systems without an asset management plan is the time replacements occur. A large system can typically afford cash reserves to cover emergencies and conduct the planning to access DWSRF, while smaller systems sometimes lack the resources to apply.
- Mr. Avery reiterated that there is little financial incentive for small systems to connect to large systems, citing an example in Griswold where one service connection would require digging through a State roadway, which significantly increases the connection costs.

Minimum Design Standards

Mr. Bighinatti continued the presentation, discussing Integrated Report module #9, Minimum Design Standards. Mr. Bighinatti explained the role of the WUCC and the Integrated Report in establishing minimum design standards, and utilities' role in establishing and enforcing minimum design standards.

Mr. Bighinatti explained that the former Southeastern WUCC made recommendations for minimum design standards in the Integrated Report but left the issue open-ended so that utilities could establish their own design standards for main extensions and satellite systems within their ESA based on the needs of their utility.

Mr. Bighinatti reviewed responses to module #9 discussion prompts from Aquarion Water Company, Connecticut Water Company, Jewett City Water Company, Norwich Public Utilities, SCWA, and Windham Water Works, and discussed module #9 with WUCC members.

- Mr. Cansler explained that because municipalities are charged with code enforcement, it would be preferable if they would play a larger role in ensuring that new developments are built to the water company's standards, especially in regard to fire protection. Mr. Cansler explained that this issue is in regard to older small systems that are eventually taken over by large systems.
 - Jim Butler (SCCOG) stated that it is best for planning and zoning commissions to have good communication with water companies so that water companies can advise the commissions on design standards. He noted that it would be difficult for local commissions to adopt such standards into their regulations. Mr. Butler explained that absent any guidance or review by a water company, it is difficult for a commission to enforce those requirements.
- Mr. Avery explained that there should be discussion about negotiation of design standards and that too-stringent design standards could discourage economic growth. Mr. Avery explained that developers need to make projects economically viable, which is challenged when building a public water system. The political solution for a commission is often to defer strict standards to the utility and the state so as to not discourage a desired project.

Future Sources, Raw Well Water Quality, and Acquisition of Land for New Stratified Drift Wells

Mr. Bighinatti continued the presentation, discussing Integrated Report module #10, Future Sources, Raw Well Water Quality, and Acquisition of Land for New Stratified Drift Wells. Mr.

Bighinatti explained the challenges and opportunities in planning for new sources of supply, as well as one possible projection of future margins of safety in the region's towns.

Mr. Bighinatti reviewed responses to module #10 discussion prompts from Aquarion Water Company, Connecticut Water Company, Jewett City Water Company, Norwich Public Utilities, SCWA, and Windham Water Works, and discussed module #10 with WUCC members.

- Brendan Avery stated that safe yield of many utilities is increasing naturally because of conservation as well as decreasing demand, so that sources of future supply may not be a pressing issue for some utilities.
 - Jonathan Avery stated that he expects the effects of water conservation to increase with time.
- Mr. Bighinatti stated that the Integrated Report will conduct a screening level analysis of streamflow, water quality, environmental hazards, and other data to determine which areas should and should not be prioritized for future regional sources of supply in regards to future needs. Mr. Bighinatti reiterated that revised projections are needed from each large utility in order to make use of the best available data for the analysis. Mr. Bighinatti reviewed the upcoming schedule for Integrated Report modules.

8. Other Business

Mr. Bighinatti presented a sample agenda for the October 11th meeting and asked for potential additions. There were no other additions to the agenda at this time.

Mr. Butler made a motion to adjourn the meeting. Ken Skov (Aquarion Water Company) seconded the motion. The meeting was adjourned at 2:58 PM

Respectfully submitted,

Samuel Alexander (Southeastern Connecticut Council of Governments)
Recording Secretary