

Meeting Minutes
Eastern WUCC Meeting #7
Northeastern Connecticut Council of Governments – 125 Putnam Pike, Killingly, CT
December 14th, 2016 1:00 p.m.

The Eastern Water Utility Coordinating Committee (WUCC) met on December 14th, 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
Rob Hust	CT DEEP
Craig Patla	Connecticut Water Company
Brad Kargl	East Lyme Water & Sewer
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
Jim Butler	Southeastern Connecticut Council of Governments
Josh Cansler	Southeastern Connecticut Water Authority
Jim Paggioli	Town of Colchester
John Guskowski	Town of Hampton
Mike Cherry	Town of Ledyard WPCA
Craig Baldwin	Town of Pomfret
Bob Congdon	Town of Preston
Jerry Beausoleil	Town of Putnam WPCA
Patrick Bernardo	Town of Putnam/SUEZ
Dan Syme	Town of Scotland
Neftali Soto	Town of Waterford Utility Commission
Mike Callahan	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
Linda Ferraro	CT DPH
Lori Mathieu	CT DPH
Justin Milardo	CT DPH
Scott Bighinatti	Milone and MacBroom, Inc.
Mr. Avery	Public

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 1:06 PM by Tri-chairs Pat Bernardo (Town of Putnam/SUEZ), Bob Congdon (Town of Preston), and Mark Decker (Norwich Public Utilities).

All in attendance stated their names and affiliations.

2. Approval of September Minutes

Mr. Bernardo asked for comments and changes to the November Meeting minutes. There were none.

Brad Kargl of East Lyme Water and Sewer made a motion to accept the November Meeting minutes as presented. Mr. Congdon 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 a notification regarding Exclusive Service Area (ESA) declarations received to-date, with notice requesting public comment, was emailed to all Eastern WUCC members, municipalities where ESAs are not yet assigned, and interested parties on 11/14/16. Scott Bighinatti (Milone & MacBroom, Inc.) noted that hardcopies of the letter were also sent to municipalities.
- Mr. Alexander stated that an email was sent to WUCC members and interested parties regarding the change in the Eastern WUCC mailing address and contact information on 11/16/16.
- Mr. Alexander stated that a circular letter was sent from the Connecticut Department of Public Health (CT DPH) to state agencies, municipalities, town staff, Councils of Governments, local health departments, WUCC members, and the public on 11/16/16

regarding an informational webinar on the ESA process which was held on November 29th, 2016.

- Mr. Alexander stated that the Final Draft Final Water Supply Assessment was sent via email to active Eastern WUCC members, large utilities, and consulting state agencies on 12/2/16.
- Mr. Alexander stated that numerous letters were received from citizens in East Lyme dated December 1st, December 7th, or undated, 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. Bighinatti noted that Milone & MacBroom had been requested to prepare a joint response from all three WUCCs to the public comments received on these concerns, and that the draft letter would be provided to the Officers for review soon.

4. Public Comment

Mr. Bernardo asked if there were comments from the public.

- Dan Syme of the Town of Scotland stated that the town controls two public water wells for municipal buildings and asked how the town may go about declaring an ESA.
 - Mr. Bighinatti stated he would be happy to discuss any issues after the meeting and that, in regards to Mr. Syme's question, the town would automatically be assigned an ESA for the area served by the public water systems associated with the town's public water wells.
- John Guskowski of the Town of Hampton stated that Hampton is in a similar situation to Scotland.

5. Final Water Supply Assessment Review / Vote to Approve for Submission to DPH

Mr. Bighinatti began a PowerPoint presentation describing the process to date. He noted that the Final Water Supply Assessment would be posted to the Eastern WUCC webpage (available at <http://www.ct.gov/dph/wucc> – click on the eastern page).

Mr. Bighinatti stated that the final draft was provided on December 2nd. Mr. Bighinatti described changes that were incorporated into the final draft, noting that an Executive Summary was also added. Mr. Bighinatti requested that the WUCC consider approval of the Final Water Supply Assessment (WSA) at the meeting, as the regulatory deadline is December 17th.

There was discussion regarding the WSA.

- Mike Cherry of the Town of Ledyard WPCA asked why only maps for Arsenic and Uranium appear in the WSA, as opposed to other contaminants such as lead.
 - There was general discussion about the need for including additional information about contaminants. It was generally accepted that the maps of uranium and arsenic were of use to show areas of naturally occurring

contaminants in raw water, while lead contamination typically does not occur because of geology/geography.

- It was noted that the additional mapping was helpful for spatially considering potential areas of concern, and there was discussion as to whether additional mapping would be useful (as opposed to just the Tables identifying systems with recent maximum contaminant limit violations. It was requested by Mr. Cherry (to general concurrence) that there be additional consideration of contaminants in the Integrated Report, including questions such as
 - 1) What types of contaminants do public water systems sample for?
 - 2) Are there any spatial trends associated with any other contaminants of concern?
- Mr. Kargl stated that East Lyme Water and Sewer had suggested factual corrections and clarifications to the WSA related to the East Lyme system and read them. Mr. Kargl stated suggested that Table 2-5 be edited to include a footnote stating that East Lyme is in the process of updating its Water Supply Plan, which will be submitted to CT DPH by March 2017, which may result in change to the table. Mr. Kargl suggested that recent treatment improvements be added to Table 2-8. Mr. Kargl suggested that Table 2-9 be updated to state that water is transferred into Lake Konomoc during periods of low demand and purchased back in periods of high demand, rather than stating specific months of water trade-off between the two. Mr. Kargl provided a written copy of the comments to Mr. Bighinatti for incorporation into the Water Supply Assessment.
- Mr. Congdon made a motion to approve the Final Draft Final Water Supply Assessment with the changes suggested by Mr. Kargl. Mr. Cherry seconded the motion. The motion carried unanimously.

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

Mr. Bighinatti began a PowerPoint presentation describing ESA Declarations, and comments received (available at <http://www.ct.gov/dph/wucc/>).

Mr. Bighinatti stated that a 30-day public comment period was provided for the Preliminary ESA Declarations received by the November 9th meeting. Mr. Bighinatti continued, stating that the WUCC should begin setting a schedule for conflicted ESA declarants to give presentations before the WUCC for the January and February 2017 meetings.

Mr. Bighinatti stated that CT DPH hosted an informational webinar on November 29th, describing the ESA process and the function of the WUCCs. Mr. Bighinatti noted that there were a number of attendees from the Eastern region and stated that a number of comments were received during the webinar and addressed them.

- Mr. Bighinatti stated that a question was asked about the process of two ESA holders “swapping” ESA. Mr. Bighinatti stated that the ESA holders would follow the process for boundary modifications as described in the ESA Procedures section of the Eastern WUCC Work Plan.
- Mr. Bighinatti stated that a question was asked requesting an example of why communities may not need an established ESA. Mr. Bighinatti stated that the only areas that may not

have assigned ESAs are those where there is no development potential and that low-density areas with little growth potential will still likely be assigned an ESA. Mr. Bighinatti continued, stating the Connecticut Department of Energy and Environmental Protection (CT DEEP) has submitted a declaration form requesting ESAs for all of the state-owned land in the currently unassigned areas (16 communities).

- Craig Baldwin of the Town of Pomfret asked if there were future development restrictions associated with an ESA.
 - Mr. Bighinatti stated that water systems are developed in response to local land use decisions and that no development restrictions are implicit with an established ESA. He provided an example wherein if the Town of Pomfret wanted to establish an assisted living facility, it would likely require a public water system and that the ESA holder would be involved in the development and operation of that system.
 - Mr. Decker stated that, in the example of a large subdivision, an established ESA would allow for a process of assigning a responsible provider as opposed to a homeowners association, for instance, to operate a new public water system. Mr. Decker stated that the goal of the ESA process is to prevent a proliferation of small public water systems without the technical, managerial, and financial capability to effectively run that water system now and into the future.
 - Mr. Bighinatti noted that cluster-style developments which preserve open space can result in developments where setbacks between wells and septic systems can be an issue, resulting in the need for public water systems.
- Mr. Congdon stated that he would encourage small communities without large public water systems to claim an ESA because although the town may not have the technical capacity to operate a system the town can provide managerial and financial oversight, and would have the opportunity to choose a reliable provider as has occurred in Preston.
- Mr. Guskowski asked if ESA holders would be the “default” provider of water if a new need were to arise.
 - Mr. Bighinatti confirmed that the ESA holder would be the default.
 - Mr. Congdon cautioned that ESA holders may make economic development project infeasible by requiring a system that goes far above and beyond the minimum required to provide water to a development
- Mr. Guskowski asked about the timeframe for declaring an ESA.
 - Mr. Bighinatti stated that the WUCC is still accepting declarations at this time due to some communities needing to hold utility commission meetings and that the WUCC will need to set a deadline for declarations later in the meeting. At this time, the Eastern WUCC is encouraging declarants to work toward resolving conflicts outside of formal meetings.
- Mr. Cherry stated that municipalities may want to be educated on the responsibilities on an ESA holder.
- Mr. Baldwin asked if a private boarding school would be considered a critical facility.
 - Mr. Bighinatti stated that identification of critical facilities is typically performed by the Emergency Management Director, but noted that the school is likely operating its own public water system and would

automatically be assigned an ESA coterminous with its service area as part of this process.

- Mr. Baldwin asked for clarification regarding the benefits of declaring an ESA.
 - Mr. Bighinatti clarified previously mentioned scenarios and benefits.
- Mike Callahan of Windham Water Works asked if a map was going to be shown, displaying different ESA declarations to date.
 - Mr. Bighinatti confirmed that there would be one later in the presentation..
- Mr. Bighinatti continued the PowerPoint. Mr. Bighinatti stated that questions were received regarding ESA holders claiming 200-foot buffers around their existing systems. Mr. Bighinatti stated that an ESA holder may do so if they are anticipating additional growth, and that the 200-foot buffer for that system is simply a smaller-scale ESA as opposed to where, for example, a declarant requests an entire town.
- Mr. Bighinatti stated that a question was asked regarding the process for a municipality to claim the lack of need for an ESA. Mr. Bighinatti explained that, while there may be no perceived need for an ESA at present, there may be a future need and that it would be better for the municipality to claim the ESA, or support another declarant, than to leave it unassigned.
- Mr. Bighinatti stated that a question was asked about the process for a town stopping an ESA declaration. Mr. Bighinatti stated that an aggrieved party may choose to challenge an ESA boundary, per the ESA Procedures in the Eastern WUCC Work Plan.
- Mr. Bighinatti stated that a question was asked about the WUCC membership status of municipalities that hold an ESA but do not own or operate a public water system. Mr. Bighinatti stated that the municipality would not be a WUCC member, but would be represented by their council of government. He noted two examples in the Eastern region (North Stonington and Stonington) where the municipality holds an ESA but are not WUCC members.

Mr. Bighinatti continued the PowerPoint, stating that existing ESA holders do not need to file declaration forms and that the WUCC will likely facilitate ESA boundary changes in the future, noting that the Eastern WUCC is deferring modifications until after the assignments in the northern part of the region are completed (June 2017).

Mr. Bighinatti continued, showing a map of ESA declaration locations. Mr. Bighinatti described ESA declarations to date and existing conflicts between utilities. Mr. Bighinatti stated that the utility commission in the Town of Sterling has not yet met to consider submitting declaration form.

- Mr. Cherry asked what would happen if Sterling did not declare an ESA for their town.
 - Mr. Bighinatti stated that the ESA could be claimed by another utility, or that the town could remain unassigned until a later date.
- Mr. Bighinatti continued, stating that CT DEEP has declared ESAs for all of their state-owned lands and explained that many properties are served by Transient Non-Community systems (TNCs) such that many areas would automatically get ESAs as part of this process. Mr. Bighinatti noted that a question was asked in the Central WUCC regarding what would

happen if DEEP sold or transferred state-land to another entity. Mr. Bighinatti explained that in the case of a land transfer, it would go through the ESA modification process. The Eastern WUCC would likely request that CT DEEP transfer the ESA to an entity capable of holding the ESA as opposed to a private developer or private property owner.

- Mr. Callahan stated that the Windham Water Works preliminary ESA boundary overlaps CT DEEP property and asked which ESA will take precedent.
 - Mr. Bighinatti stated that this was an example of an ESA conflict and that both parties are encouraged to resolve the conflict themselves before bringing the issue to the WUCC for formal conflict resolution.
 - Mr. Callahan asked for clarification of how conflicts with CT DEEP may be resolved.
 - Mr. Bighinatti encouraged utilities and CT DEEP to meet and resolve conflicts outside of regular WUCC meetings.
 - Mr. Congdon reminded the group that CT DEEP is often operating a TNC in a state park, clarifying that CT DEEP would automatically retain an ESA for its served area.
 - Mr. Bighinatti stated that Milone and MacBroom, Inc. will be requesting updated data from DEEP regarding which state lands have DEEP public water systems, as this information may help guide conflict resolution.
 - Rob Hust of CT DEEP stated that CT DEEP can further vet and clarify information provided. Mr. Hust stated that CT DEEP has also requested ESAs in the southeast portion of the region and that the Department will work to resolve conflicts later in the process.
- Mr. Syme asked if properties on which development rights have been purchased would be recognized as having no development potential.
 - It was agreed that this was possible, but would need to be clarified as part of the ESA process.

Mr. Bighinatti stated that no additional comments were received on Preliminary ESA Declarations.

- Mr. Cherry asked if notices were sent to all Eastern WUCC members, including small water systems.
 - Mr. Alexander stated that they were, with hardcopies of the letter being sent to municipalities.
- Mr. Bighinatti stated that new and revised ESA Declaration forms are still coming in and that the next meeting is scheduled for January 11th. Mr. Bighinatti requested the WUCC set a deadline for declaration forms.
 - There was discussion about whether the WUCC should accept declaration forms until January 6th or January 11th. It was generally agreed that receiving declaration until the 6th would allow for more organization in scheduling presentations by utilities with conflicted ESAs, but that allowing declarations until the 11th would benefit prospective ESA holders, namely municipalities, and allow for more time in conflict resolution.
 - It was generally accepted that allowing ESA declarations until the 11th was the better alternative.

- Mr. Cherry made a motion to accept Final ESA Declaration forms until January 11th. Mr. Baldwin seconded the motion. The Motion carried unanimously.
- Mr. Bighinatti stated that the WUCC will issue a notice to members reflecting the agreed upon schedule.

Mr. Bighinatti stated that the WUCC should also consider scheduling presentations by utilities with ESA conflicts. Mr. Bighinatti asked if this should be done town-by-town.

- Mr. Cherry asked if there were multiple conflicts between the same utilities and if it would be wise to resolve those conflicts at the same meeting.
- Craig Patla of Connecticut Water Company stated that the WUCC should know beforehand if conflicts have been resolved outside of the meeting and noted that Connecticut Water Company has resolved almost all of its conflicts.
 - Mr. Bighinatti stated that if the WUCC must go through the full process of hearing presentations and scoring utility companies, it is beneficial to have a schedule. It is easier to schedule a presentation and then find that the conflict has been resolved, or to table a presentation, than to change the agenda at the last minute.
 - Mr. Congdon stated that the worst case scenario is that there are two meetings.
 - Mr. Bighinatti stated that, if needed, a special meeting could be called as allowed by the Bylaws and the Eastern WUCC Work Plan.
- Mr. Decker asked about public comment in the ESA process, using the example of a citizen providing comment into an ESA conflict
 - Mr. Bighinatti stated that citizens are welcome to provide comments and ask questions at meetings and, as per Connecticut General Statutes, a 30-day public comment period is required for the draft ESA Document in March 2017.
 - Mr. Decker clarified that it was important for the WUCC to provide ample public notice and that it is important to involve municipalities. Mr. Bighinatti concurred, stating that the Eastern WUCC has been exceeding the minimum notice requirements.
 - Mr. Cherry asked if there is a common newspaper in northeastern Connecticut where a news article could be printed about the process.
 - Mr. Alexander stated that the Norwich Bulletin and Willimantic Chronicle serve the eastern and western portions of northeastern Connecticut, respectively.
 - Mr. Cherry stated that in notices regarding ESA declarations, it may be beneficial to provide a definition of a public water system, for clarification.
 - Mr. Bighinatti stated that the letter can be formatted to include that. The previous letter was focused on getting municipalities informed of the process, and the new letter will be focused on providing information for municipal official to explain the process to their constituents.
 - Mr. Callahan asked about the formal comment period on the ESA Document.
 - Mr. Bighinatti explained that written comments are accepted as well as comments at meetings.

- Ken Skov of Aquarion Water Company stated that the company has reached a resolution with Jewett City Water Company regarding the Town of Scotland and that, the company's current position is to withdraw its claim for an ESA in the town. He stated that he would provide an update to the declaration form.
- Mr. Bighinatti asked for volunteers for the conflict resolution presentations. There were none. Mr. Bighinatti stated that, if the group would like, he can choose the order of ESA conflict presentations at random to begin at the next meeting. The group concurred with this approach.
- Corrine Fitting of CT DEEP stated that the Western WUCC December Meeting presentation included a table of ESA conflict areas.
 - Mr. Bighinatti stated that a table and map would be provided in the letter.

7. Other Business

Mr. Bighinatti stated that the WUCC may want to consider scheduling "snow dates" for winter WUCC meetings in the instance that a meeting is cancelled due to weather.

- Mr. Avery stated that there may be conflicts with other WUCC meetings that will impact utilities that belong to more than one WUCC.
 - Jim Butler of the Southeastern Connecticut Council of Governments asked if the Wednesday two weeks following the scheduled meeting would work.
 - It was generally agreed that this solution would work for January and February.
- Mr. Butler asked if snow dates should be listed on agendas and suggested that Mr. Alexander send notice of the policy to interested parties and WUCC members.
 - Mr. Avery stated that there may be a conflict in in March if a snow date were scheduled, because the Preliminary ESA document must be approved to be submitted for public comment by the 17th.
 - There was additional discussion and it was generally agreed that, while an emergency meeting may be scheduled, it is best to avoid them as they are not called out in the Eastern WUCC Bylaws or Work Plan. The scheduling of a snow date would not be considered for March at this time. It was also generally agreed that two weeks following the scheduled meetings for January and February would be appropriate for snow dates.
- Lori Mathieu of CT DPH asked who would make the final call of rescheduling meeting.
 - Mr. Bighinatti stated that the Tri-chairs would decide and notify CT DPH. CT DPH would then notify WUCC members and interested parties.
 - Ms. Mathieu asked who would make the notification if CT DPH were closed.
 - Mr. Butler stated that the Southeastern Connecticut Council of Governments could make the notification.
 - Mr. Decker stated that the WUCC will hopefully know when a storm is forecasted in advance, and that the WUCC should air on the side of caution when rescheduling meetings.
- Mr. Avery asked about the location of the next meeting.

- Mr. Alexander stated that there was no set location
- Mr. Congdon stated that it would make sense to hold the meeting at the same location (Northeastern Connecticut Council of Governments).
- Eric Sanderson of the Northeastern Connecticut Council of Governments stated that he would follow up regarding the availability of the meeting location.

Mr. Bernardo asked if there were any other comments. There were none.

Mr. Butler made a motion to adjourn the meeting. Brad Kargl seconded the motion. The meeting was adjourned at 2:34pm.

Respectfully submitted,

Samuel Alexander (Southeastern Connecticut Council of Governments)
Recording Secretary