



Monthly Meeting #9

Coordinated Water System Plan Eastern Region

Northeastern Connecticut Council of Governments, Dayville, Connecticut | February 8, 2017

Agenda



1. Welcome & Roll Call (5 minutes)
2. Approval of January Meeting Minutes (5 minutes)
3. Formal Correspondence (5 minutes)
4. Public Comment Period (10 minutes)
5. Discussion Regarding ESA Provider Roles and Responsibilities (45 minutes)
6. Consider and Approve Preliminary Exclusive Service Areas for Areas Unserved by Public Water Supply in 15 Communities (45 minutes)
7. Other Business (5 minutes)

1. Welcome and Roll Call

2. Approval of Meeting Minutes

3. Formal Correspondence

Formal Correspondence



Date	From	To	Main Topic(s)
1/12/2017	Western, Central, & Eastern WUCC	Members of the Public (electronically with hardcopy to Citizens Campaign for the Environment)	Response to numerous letter concerns, regarding the following: CT needs a regional 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 seeks to have the vision to protect water resources in perpetuity
2/1/2017	CT DEEP	Western, Central, & Eastern WUCC Chairs	Letter indicating that CT DEEP intends to withdraw ESA claims, and requesting that DEEP lands (1) remain unassigned or (2) be assigned with the understanding that the ESA would be unenforceable on state owned land

4. Public Comment

5. Discussion Regarding ESA Provider Roles and Responsibilities

Taking Stock

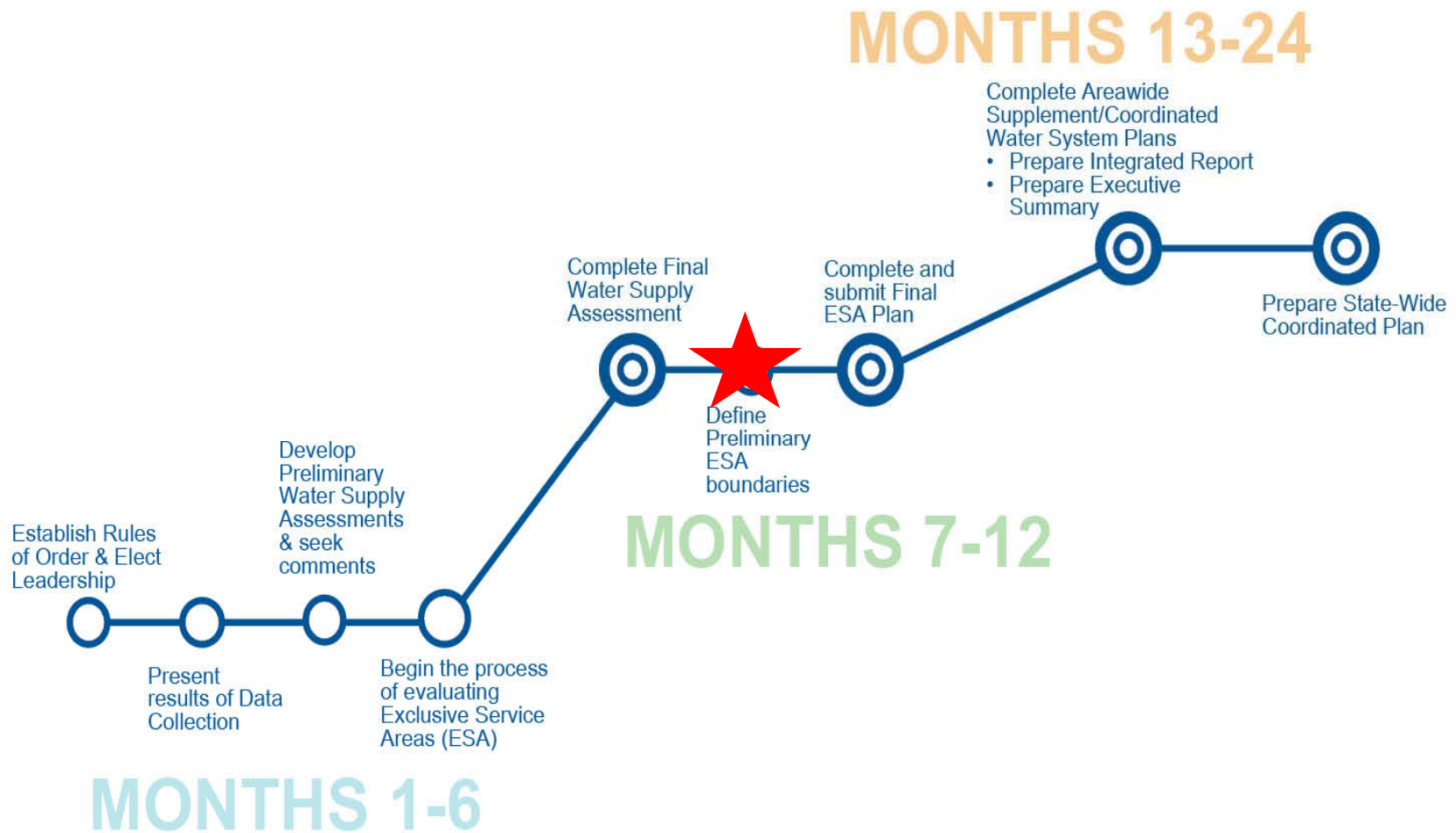


- ***What Have We Accomplished?***
 - ✓ The Water Supply Assessment was submitted to DPH
 - ✓ Exclusive Service Area (ESA) declarations have been received
 - ✓ ESA conflicts are resolved

- ***What Are We Doing Today?***
 - ✓ Discuss ESA holder roles and responsibilities
 - ✓ Vote on Preliminary ESA boundaries for 15 communities

- ***What's Next?***
 - ✓ Complete the ESA Document and get out for public review
 - ✓ Start work on the Integrated Report

WUCC Time Frame



ESA Process Schedule



Action	Timeline
Presentations by Conflicted Declarants; WUCC to begin preliminarily approving ESAs; Begin requesting PURA recommendations if needed	January 11, 2017 and February 8, 2017 Meetings
Issue final draft Preliminary ESA document for WUCC member review	Late February 2017
Approve Preliminary ESA Document for Public Review	March 8, 2017 Meeting
30-Day Public Comment Period	March 8, 2017 through April 12, 2017
Final PURA Recommendations due; discussion Refer remaining conflicts to DPH, review public comments, Statements of Confirmation issued for review and signature	April 12, 2017 Meeting
Additional ESA discussions, review public comments, review draft final ESA Document	May 10, 2017 Meeting
Approval of ESA Document; Begin ESA Modifications	June 14, 2017 Meeting

Thank you for simplifying the process by resolving conflicts!

General ESA Rights and Responsibilities



- The Eastern WUCC manages the ESA assignment process and makes recommendations to DPH; DPH ultimately approves ESAs
- The ESA holder is required by regulation to provide “*adequate service as requested by consumers and under terms otherwise provided by statute, regulation, and ordinance within their ESA boundaries within a reasonable time frame*”, usually in response to:
 - Local development or condition requiring public water service
 - An emergency condition requiring public water service
- ESA is for service; does not convey source development rights
- DPH may request an ESA holder to submit a Water Supply Plan

Statutes and Regulations - Community



- In general, large systems prefer to serve by main extensions when possible, as satellite systems typically have a higher unit cost of service
- When new Community (residential) systems are proposed, the ESA holder is statutorily required to own and operate the new system
 - May hire a contract operator
- RCSA 16-262m is only applicable to community systems and allows new community water systems to be owned and operated by a new entity only as a last resort
 - WUCC approval and boundary modification necessary
- RCSA 19-13-B51m(b) restricts new wells within 200 feet of community water systems; ESA holder may need to be involved

Statutes and Regulations - Community



- Developer is responsible for construction costs for a main extension up to a certain limit (feasibility determination)
- Developer is responsible for all construction costs for new satellite system
 - ESA holder can require reasonable design standards in excess of RCOSA 16-262m
- ESA holder must sign agreements with developer and be available during CPCN process to review plans, well sites, etc. “in a reasonable timeframe”
- For more details, review Section 3 of the ESA Document

Statutes – NTNC & TNC



- For proposed Non-Community systems, CGS 16-262m(e)(1)(C) states that *“ownership of the system will be assigned to the provider for the ESA...if agreeable to the ESA provider and the DPH, or may remain with the applicant, if agreeable to the DPH...”*
 - The ESA holder should inform the developer of its intentions in writing with a copy to DPH and the WUCC
 - DPH ultimately approves the system and requests boundary modification by WUCC
- The ESA holder is not required to provide contract operation but could be hired to do so (NTNC systems require certified operator)
- New NTNC and TNC systems constructed after October 1, 2007 must abandon system and connect to water main when one becomes available

Existing Municipal ESA Examples



How do municipalities manage their ESA?

- Example #1 – Own and operate systems in ESA and provide Technical, Managerial, and Financial capacity / oversight
 - Colchester, East Lyme, Groton, Montville, New London, Norwich, Sprague
- Example #2 – Own systems in ESA, providing Managerial and Financial oversight, but hire an operator for Technical capacity
 - Ledyard, Preston
- Example #3 – Control ESA and work with existing large systems by moving ESA boundary when needed.
 - North Stonington, Stonington

Rights and Responsibilities

- Discussion



6. Consider and Approve Preliminary Exclusive Service Areas for Areas Unserved by Public Water Supply in 15 municipalities

Updates Since Last Month



- Connecticut Water Company submitted mapping clarifying its ESA claims in Pomfret and Woodstock
 - Pomfret – Southeastern part of town
 - Woodstock – Specific parcels where CWC provides service
- Connecticut DEEP withdrew its ESA claim
 - Requested that DEEP lands remain unassigned; or
 - Requested that ESAs over DEEP lands be noted that they may not be enforceable due to “sovereign immunity” of the State

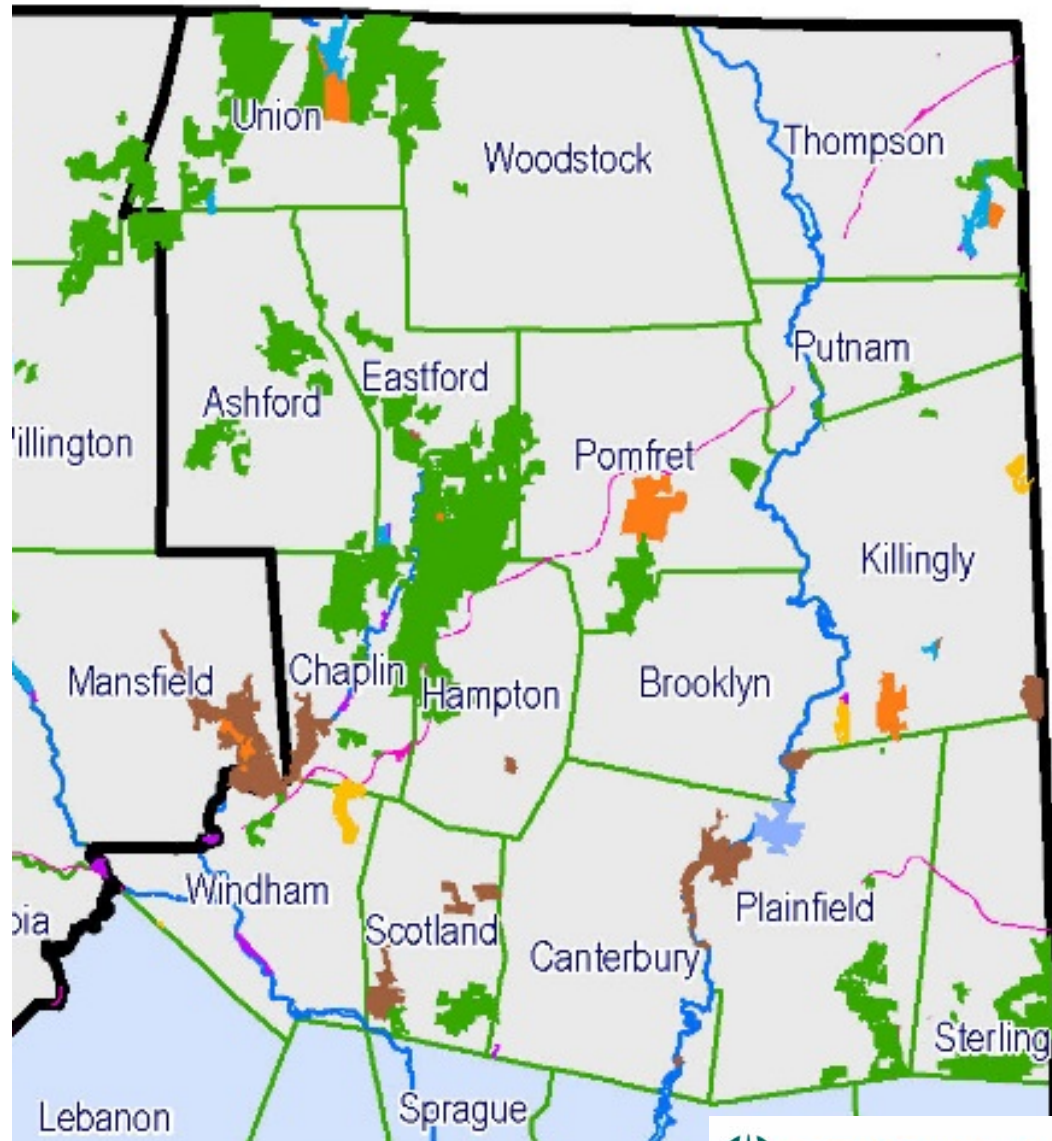
Previous ESA Declarations by DEEP



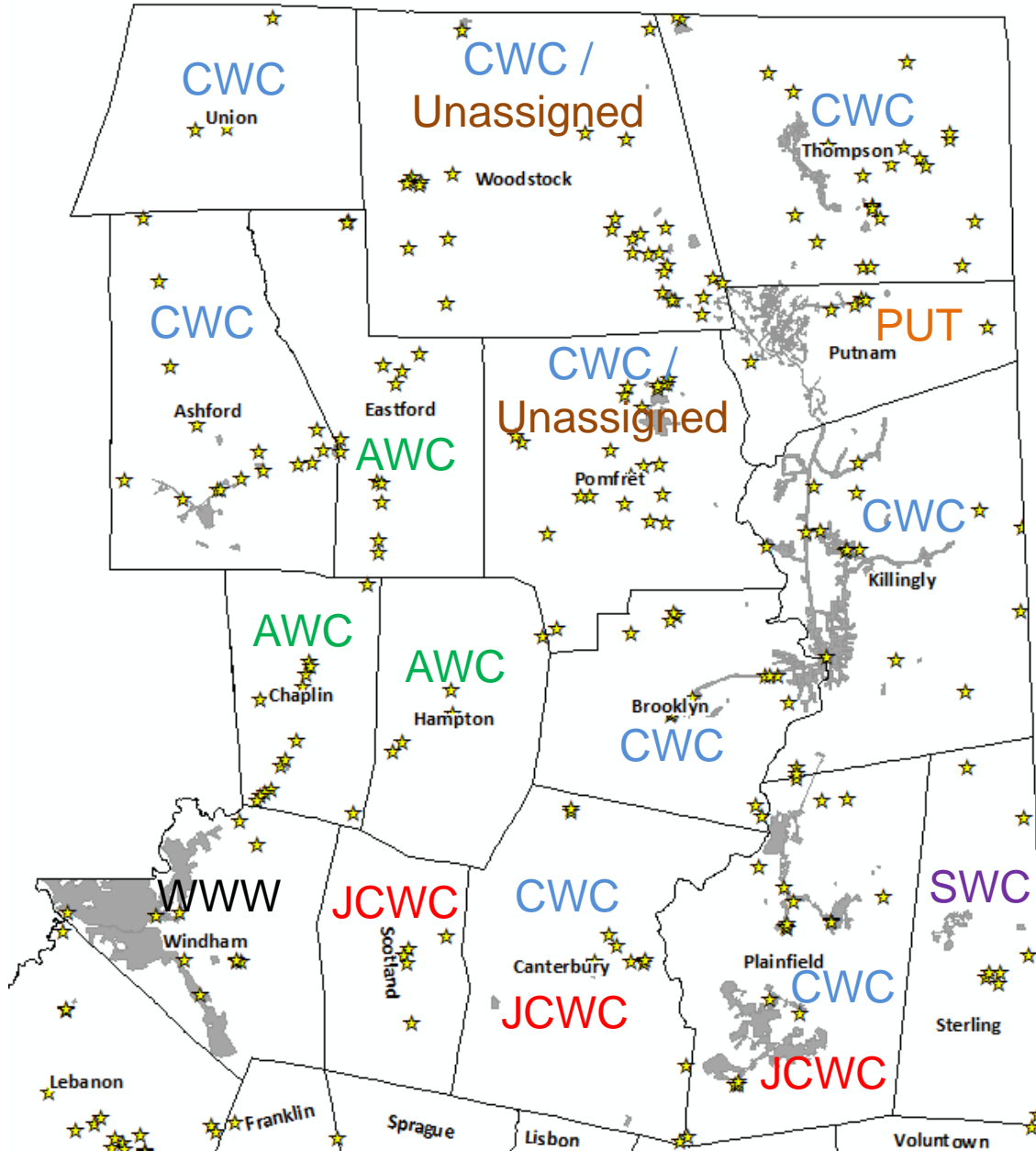
- DEEP has withdrawn ESA claim as it believes that the ESAs are not enforceable for DEEP property

DEEP Proposed Exclusive Service Areas

Legend	
	State Forest
	State Park
	State Park Scenic Reserve
	State Park Trail
	Natural Area Preserve
	Historic Preserve
	Wildlife Area
	Wildlife Sanctuary
	DEP Owned Waterbody
	Water Access
	Flood Control
	Fish Hatchery
	Other
	WUCC Boundary
	Exclusive Assigned
	Exclusive Unassigned
	Exclusive Undefined

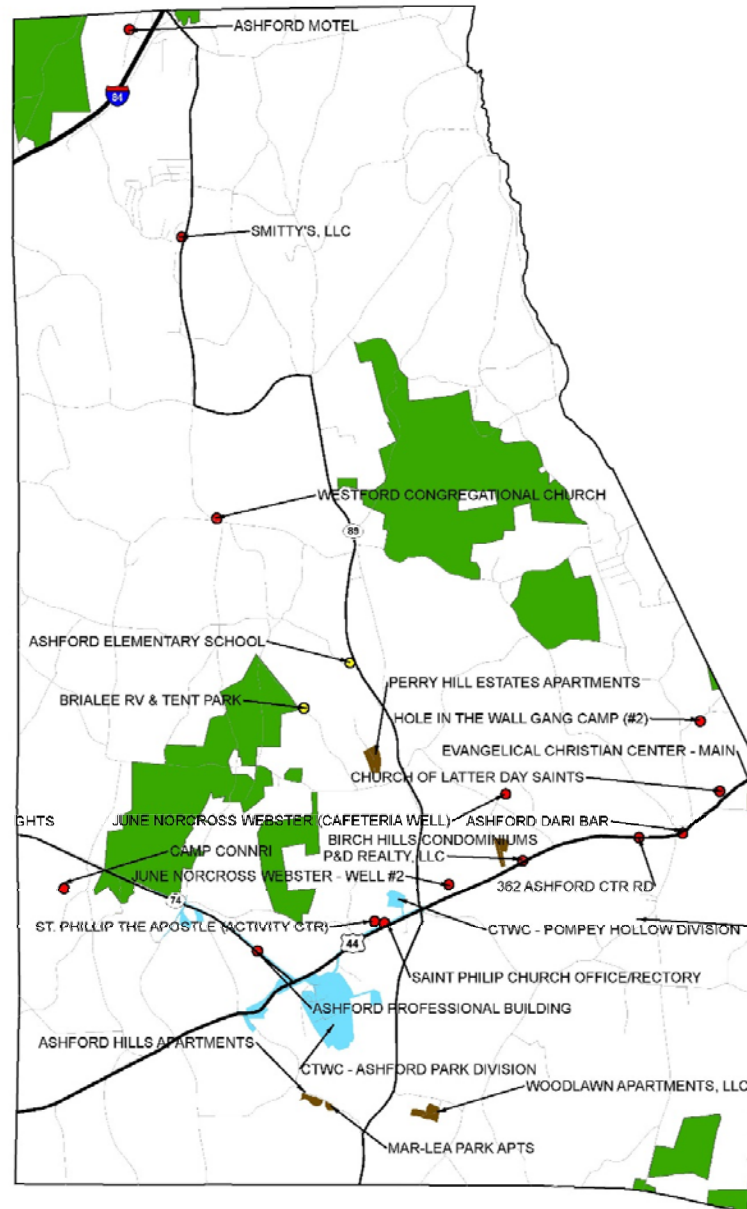


ESA Declarations



- All conflicts resolved
- CWC provided mapping on 2/1 defining specific claims in Pomfret and Woodstock
- Most of Pomfret and Woodstock are now unassigned
- Recommend that DEEP claims in previously unassigned areas remain unassigned

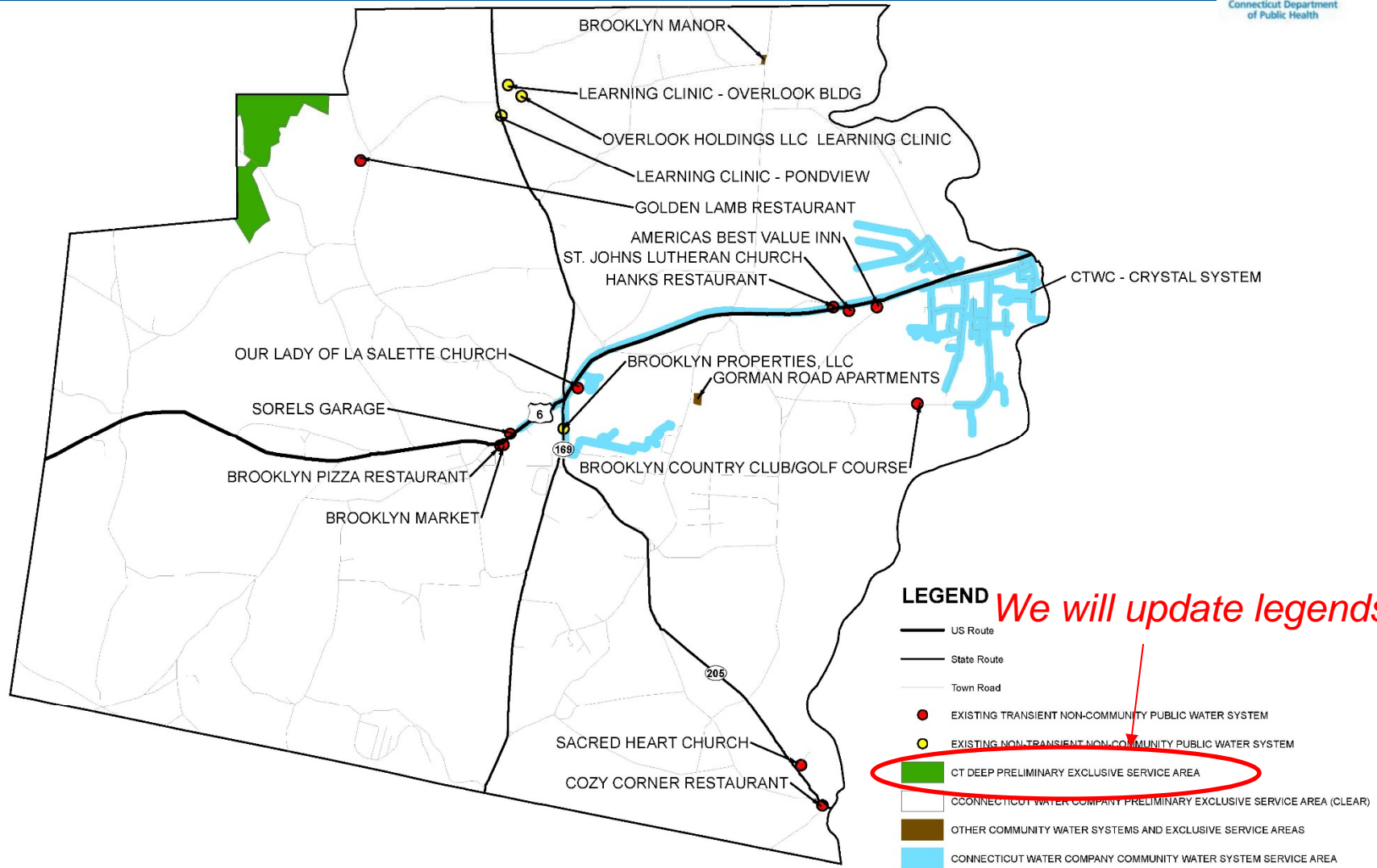
Preliminary ESA Delineation for Ashford



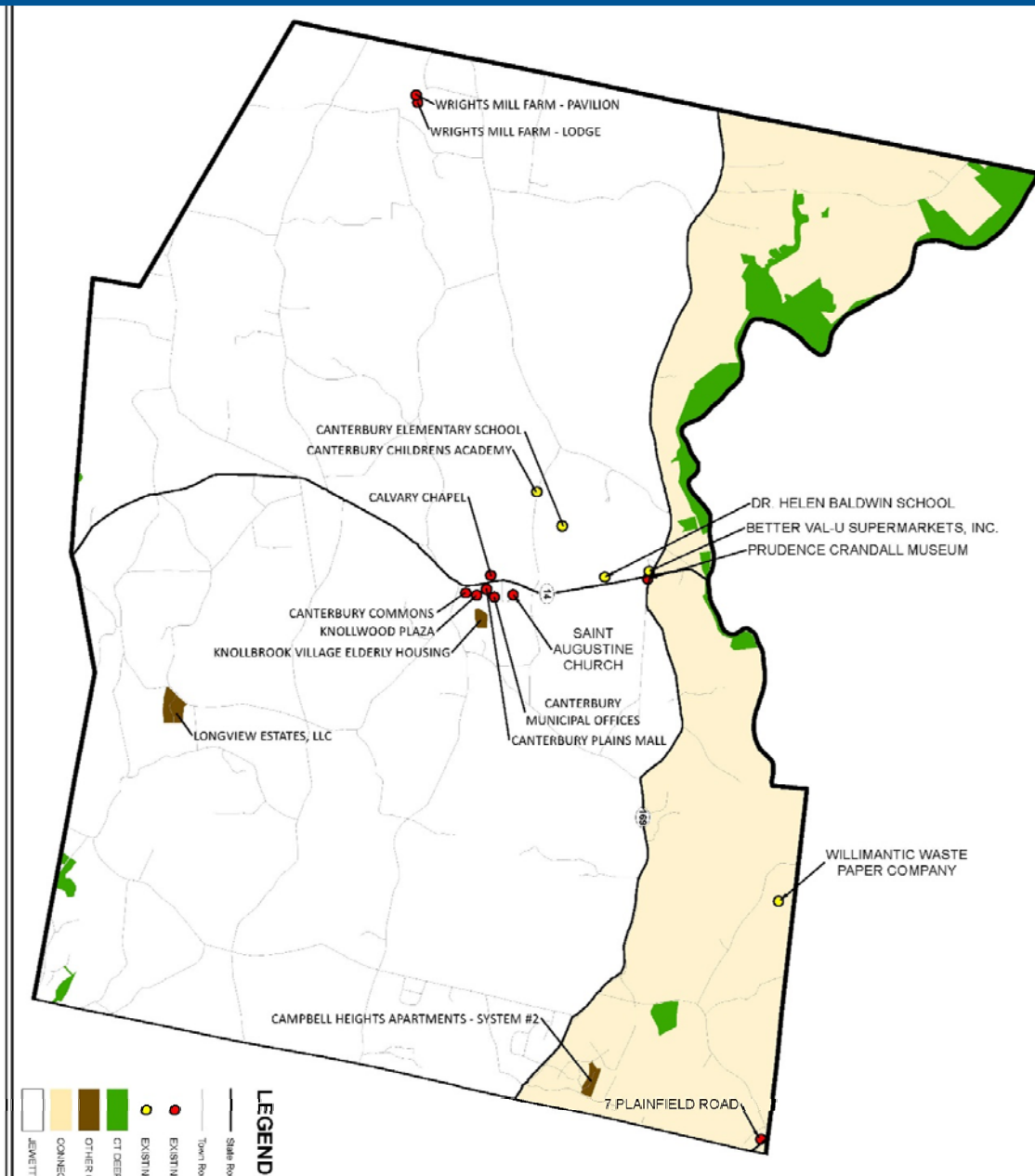
LEGEND

- Interstate
- US Route
- State Route

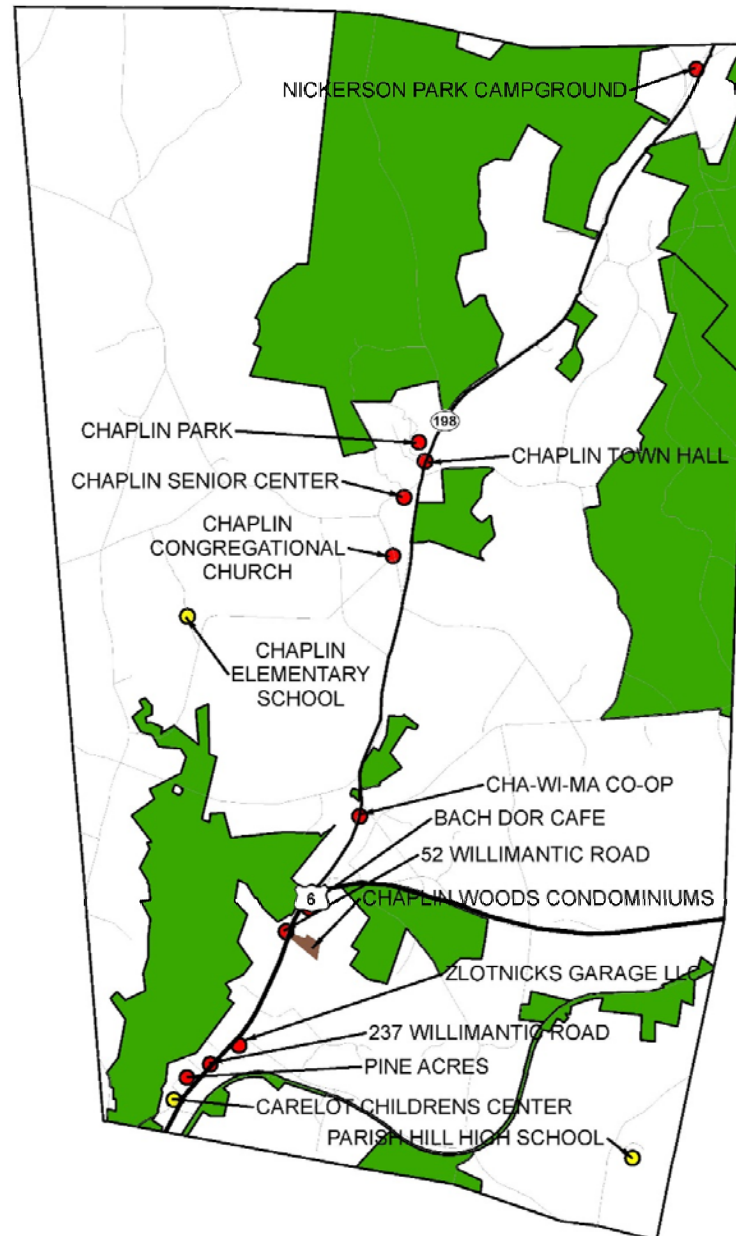
Preliminary ESA Delineation for Brooklyn



Preliminary ESA Delin. for Canterbury

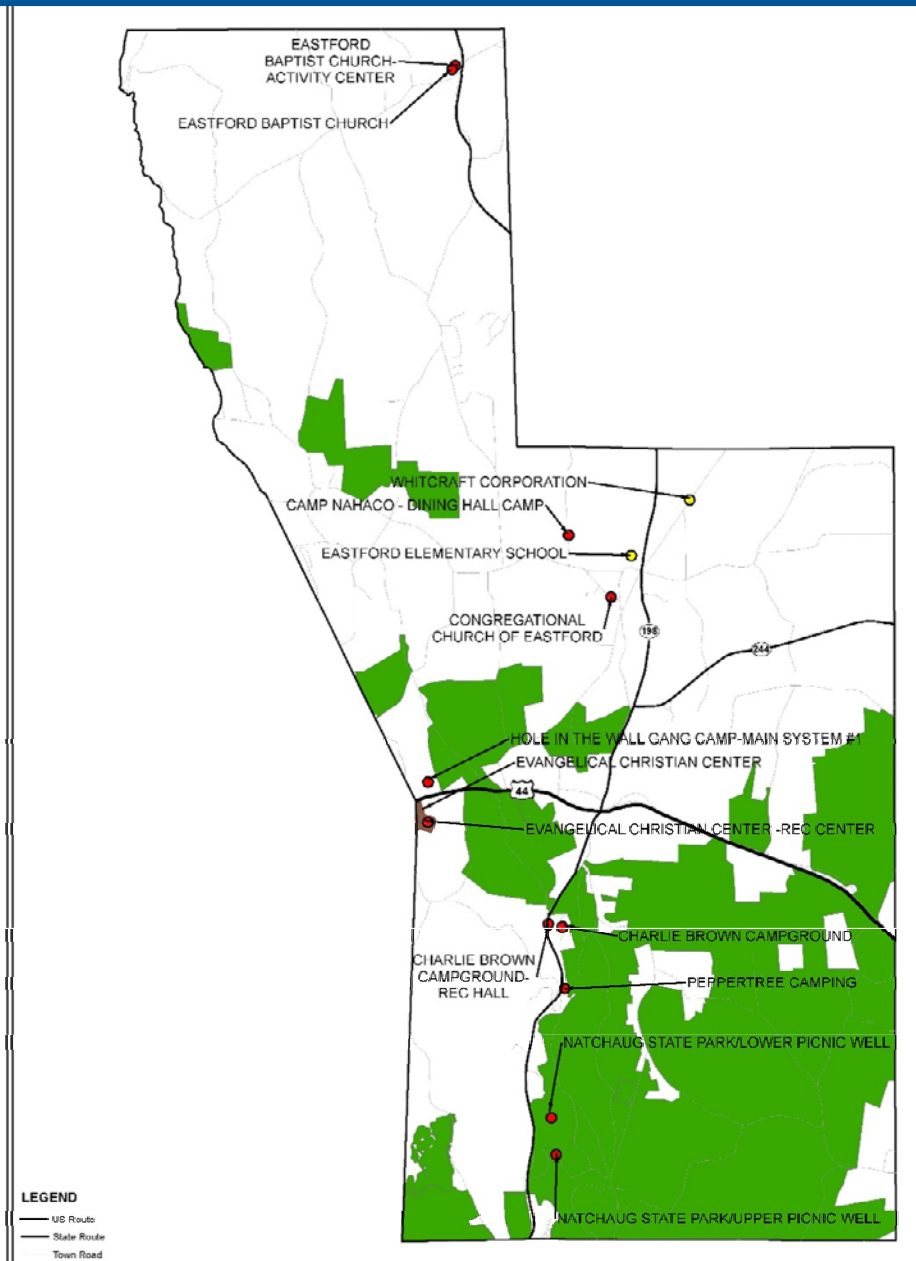


Preliminary ESA Delineation for Chaplin

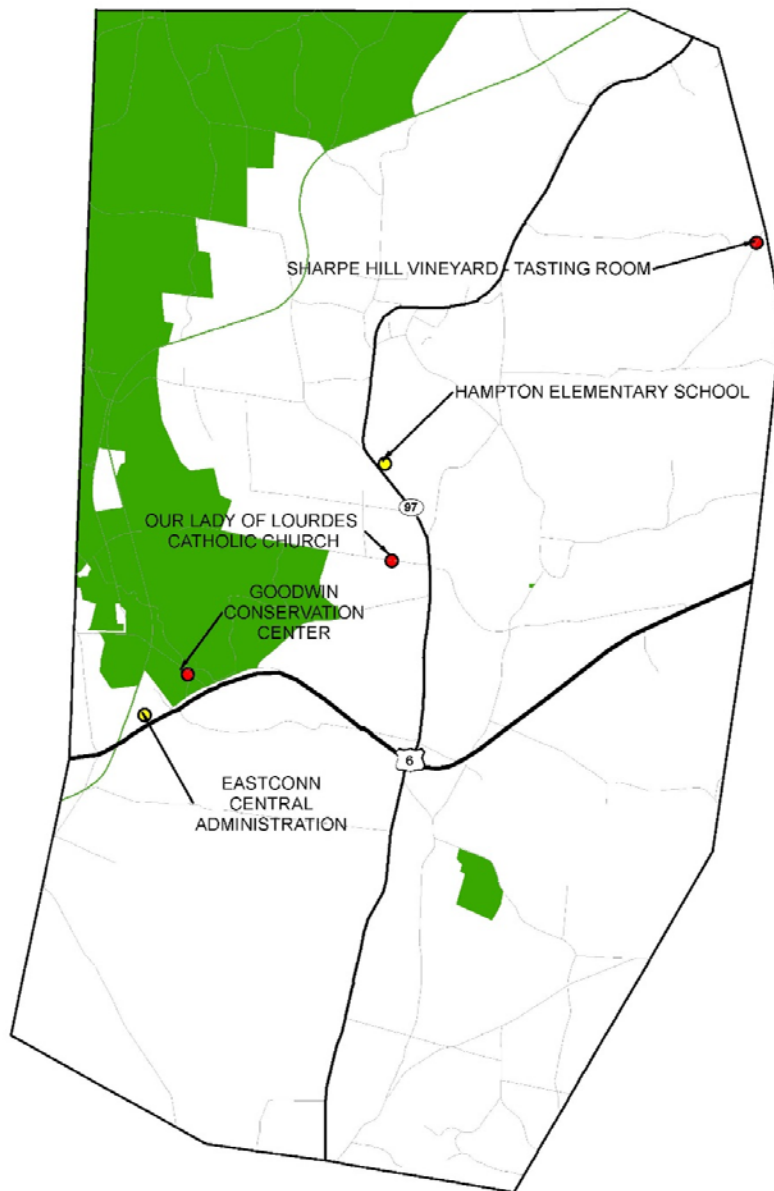


LEGEND

Preliminary ESA Delineation for Eastford



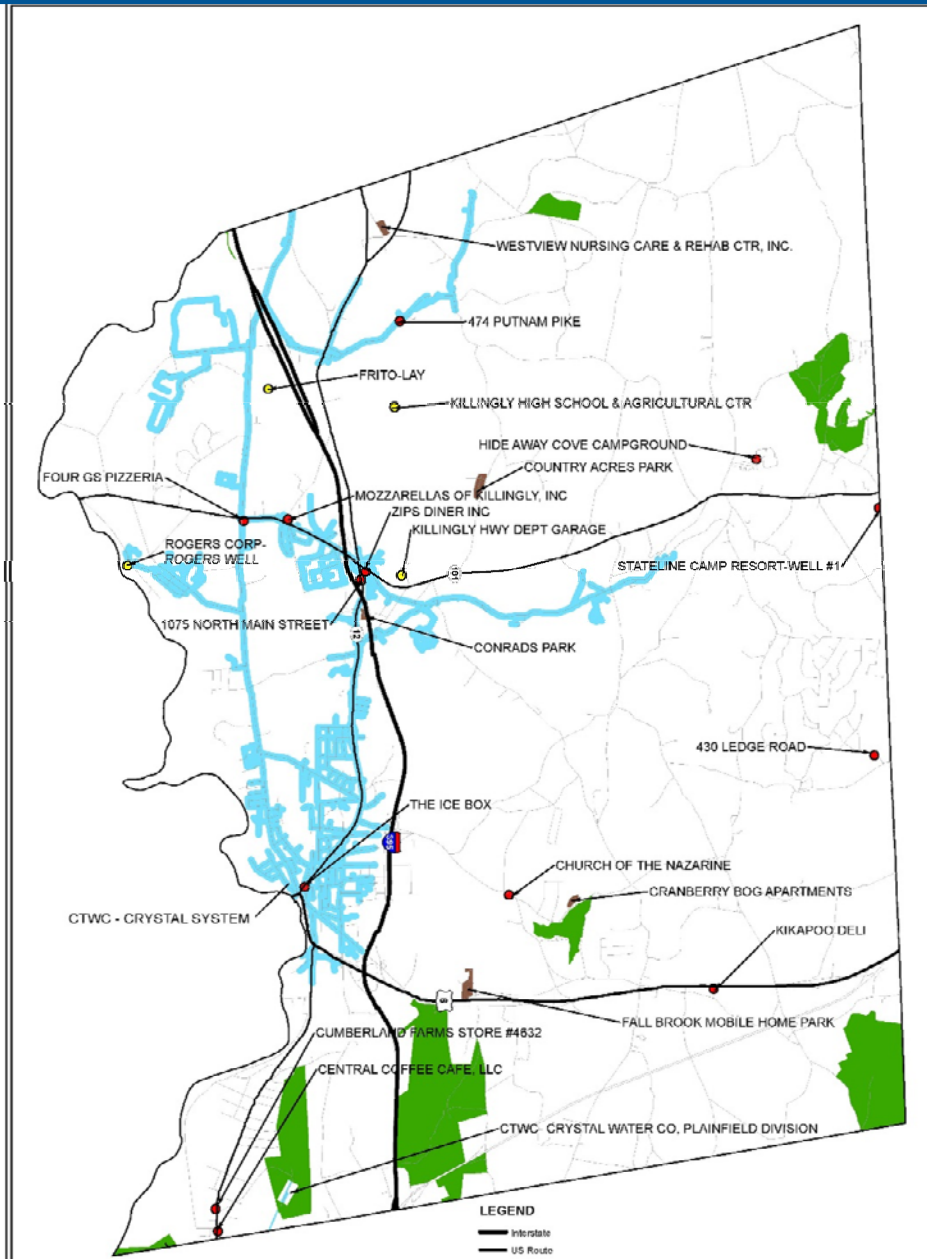
Preliminary ESA Delineation for Hampton



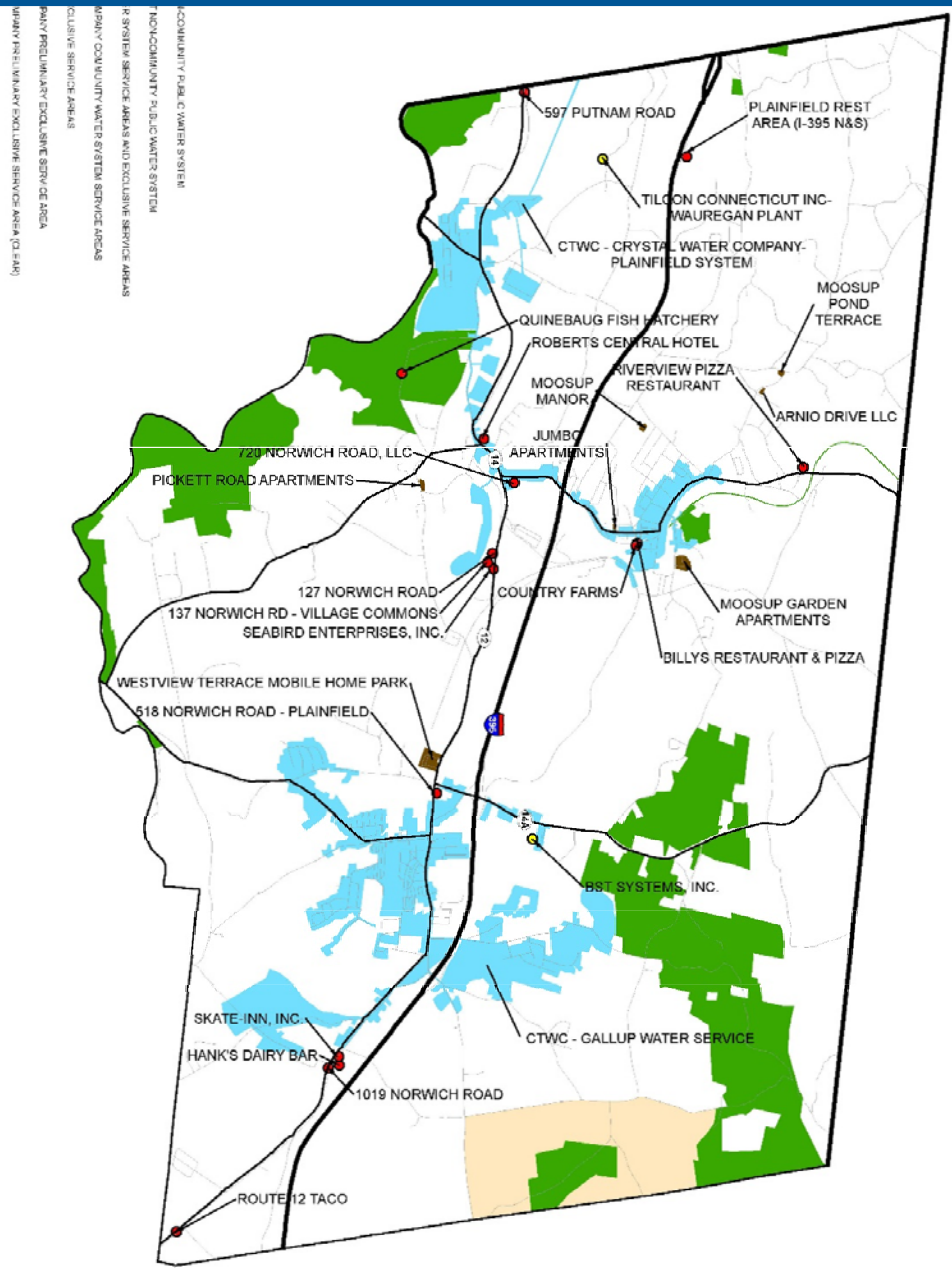
LEGEND

— US Route

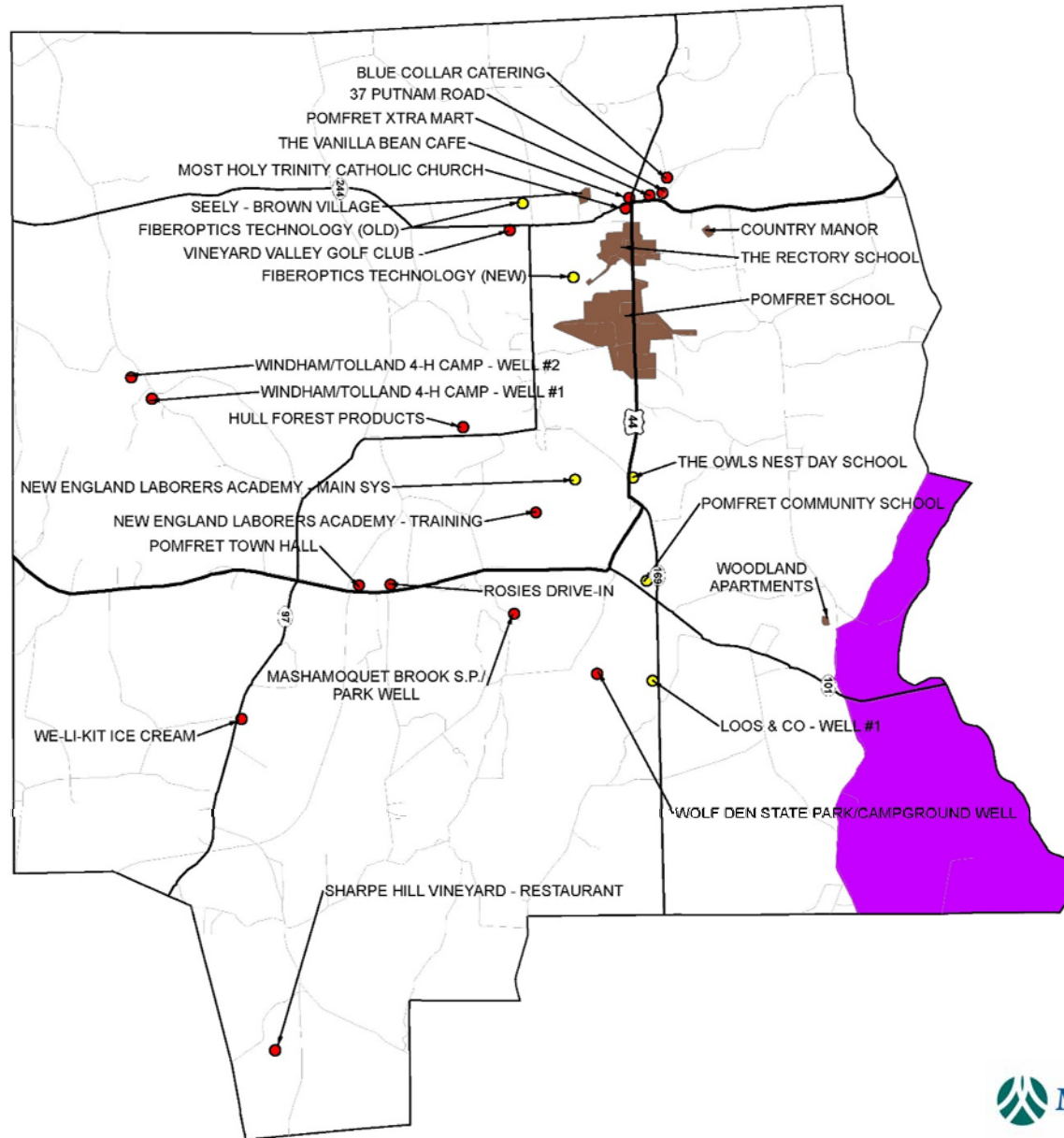
Preliminary ESA Delineation for Killingly



Preliminary ESA Delineation for Plainfield

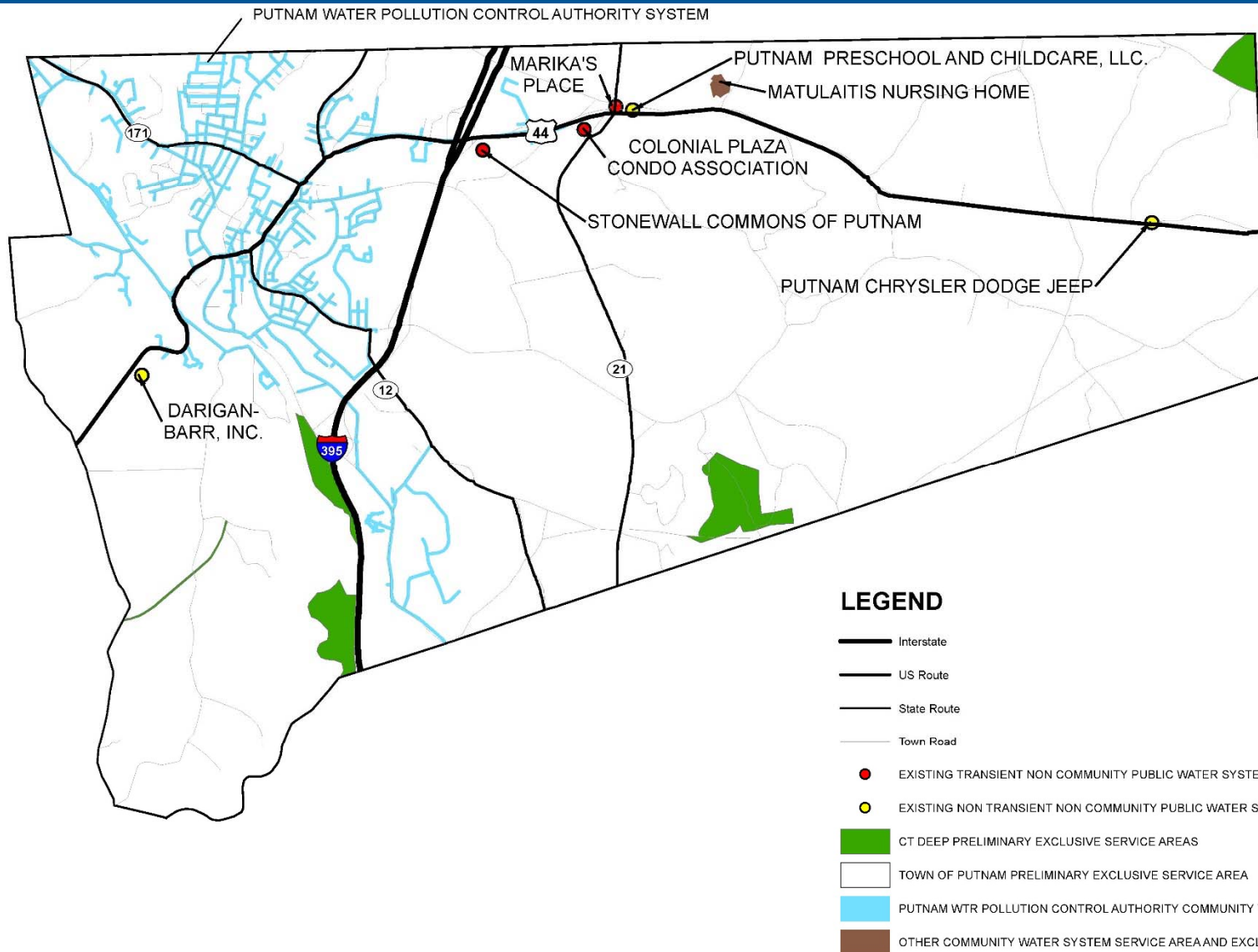


Preliminary ESA Delineation for Pomfret

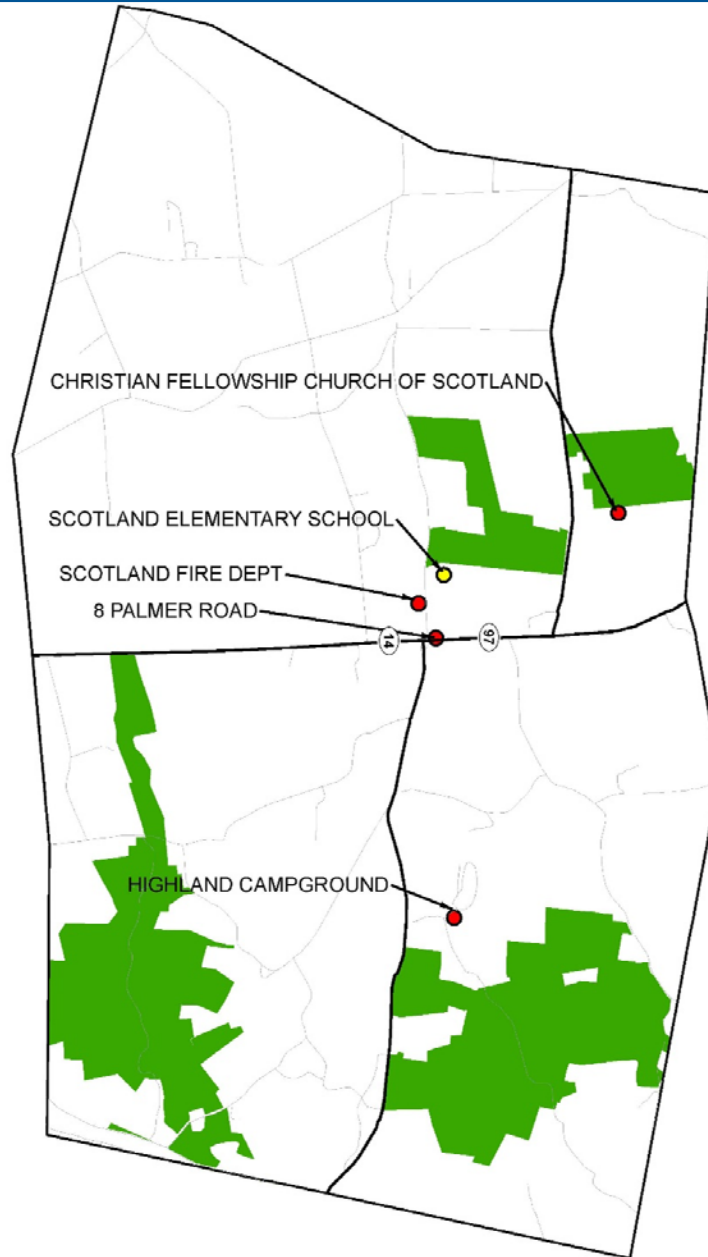


LEGEND

Preliminary ESA Delineation for Putnam



Preliminary ESA Delineation for Scotland

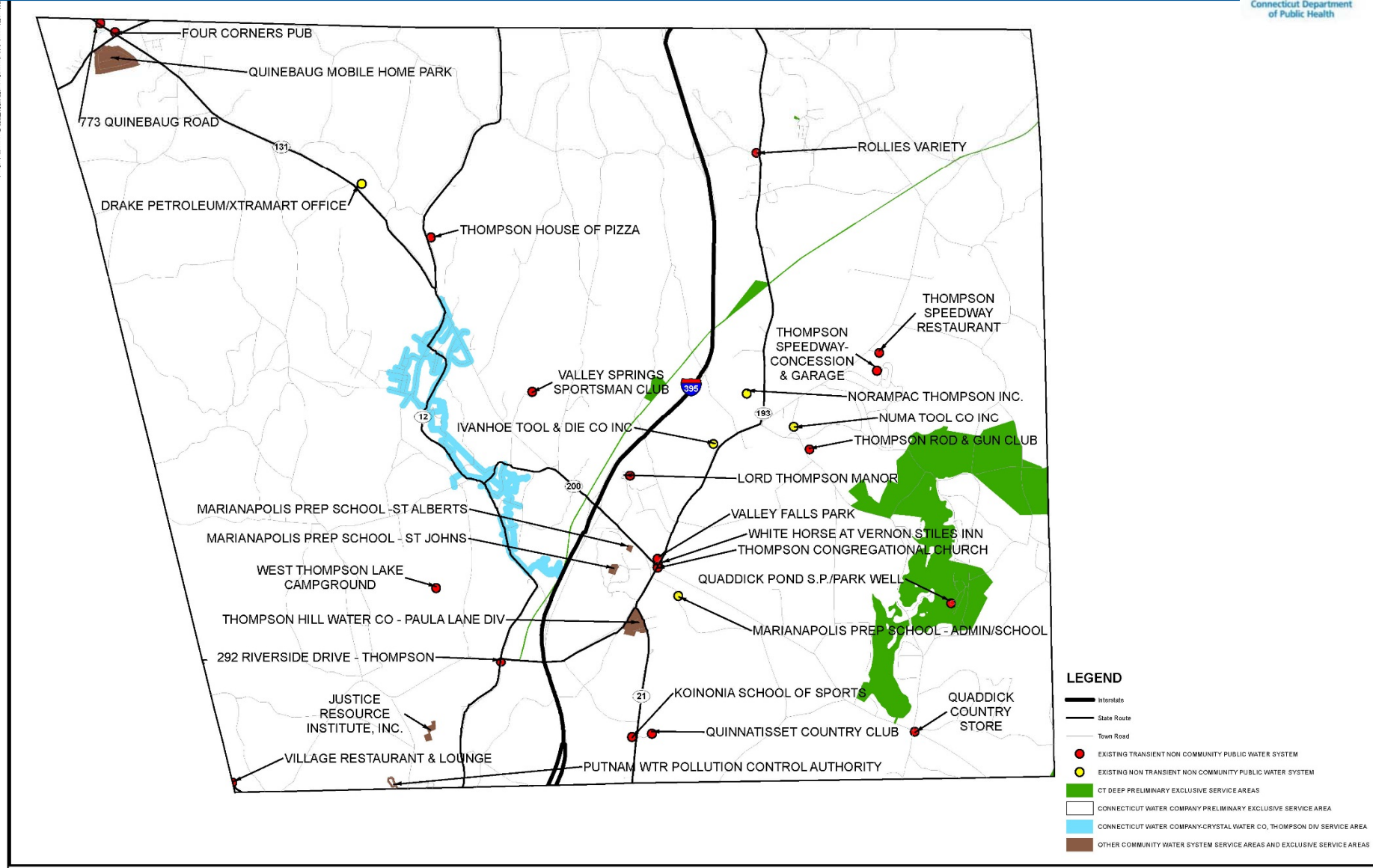


Preliminary ESA Delineation for Sterling

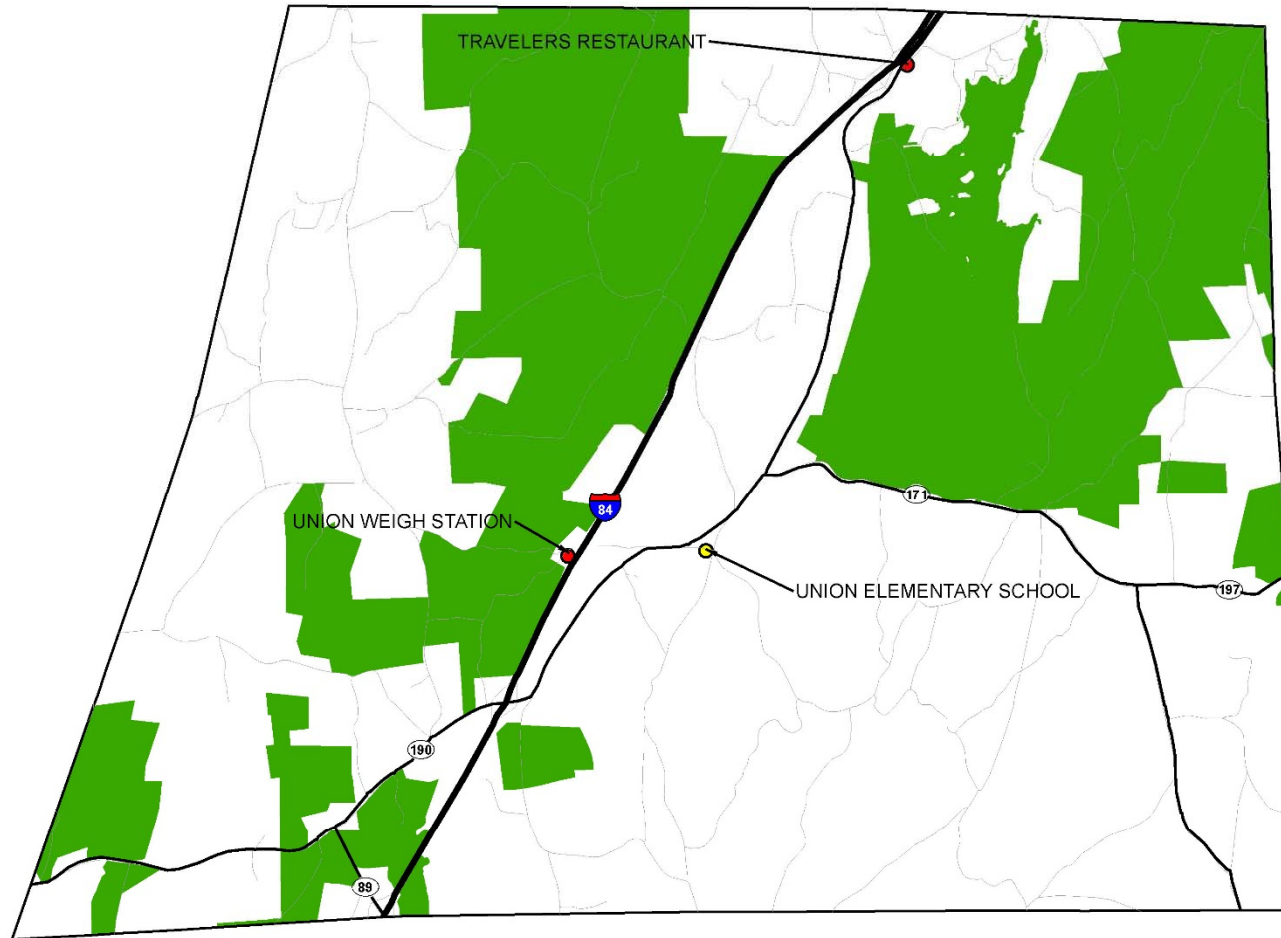


LEGEND

Preliminary ESA Delin. for Thompson



Preliminary ESA Delineation for Union



LEGEND

- Interstate
- State Route
- Town Road
- EXISTING TRANSIENT NON COMMUNITY PUBLIC WATER SYSTEM
- EXISTING NON TRANSIENT NON COMMUNITY PUBLIC WATER SYSTEM
- CT DEEP PRELIMINARY EXCLUSIVE SERVICE AREAS
- CONNECTICUT WATER COMPANY PRELIMINARY EXCLUSIVE SERVICE AREA (CLEAR)

Voting



- Discussion
- Motion to *“Approve the Preliminary ESA Delineations for utilities and municipalities in the 15 communities as shown on the prepared mapping, to be submitted for public comment with the Preliminary ESA Document”*
- Motion to *“Reclassify the Connecticut DEEP claims in the 16 northern communities, as shown on the prepared mapping, to be ‘Unassigned’ as requested by Connecticut DEEP; and for Existing Approved ESA Delineations, to note on any mapping that ESA boundaries may be unenforceable on DEEP lands”*

Next Steps



- Revise ESA Document with complete draft (with maps) going out on or before March 1, 2016
- Revise maps for distribution with ESA Document

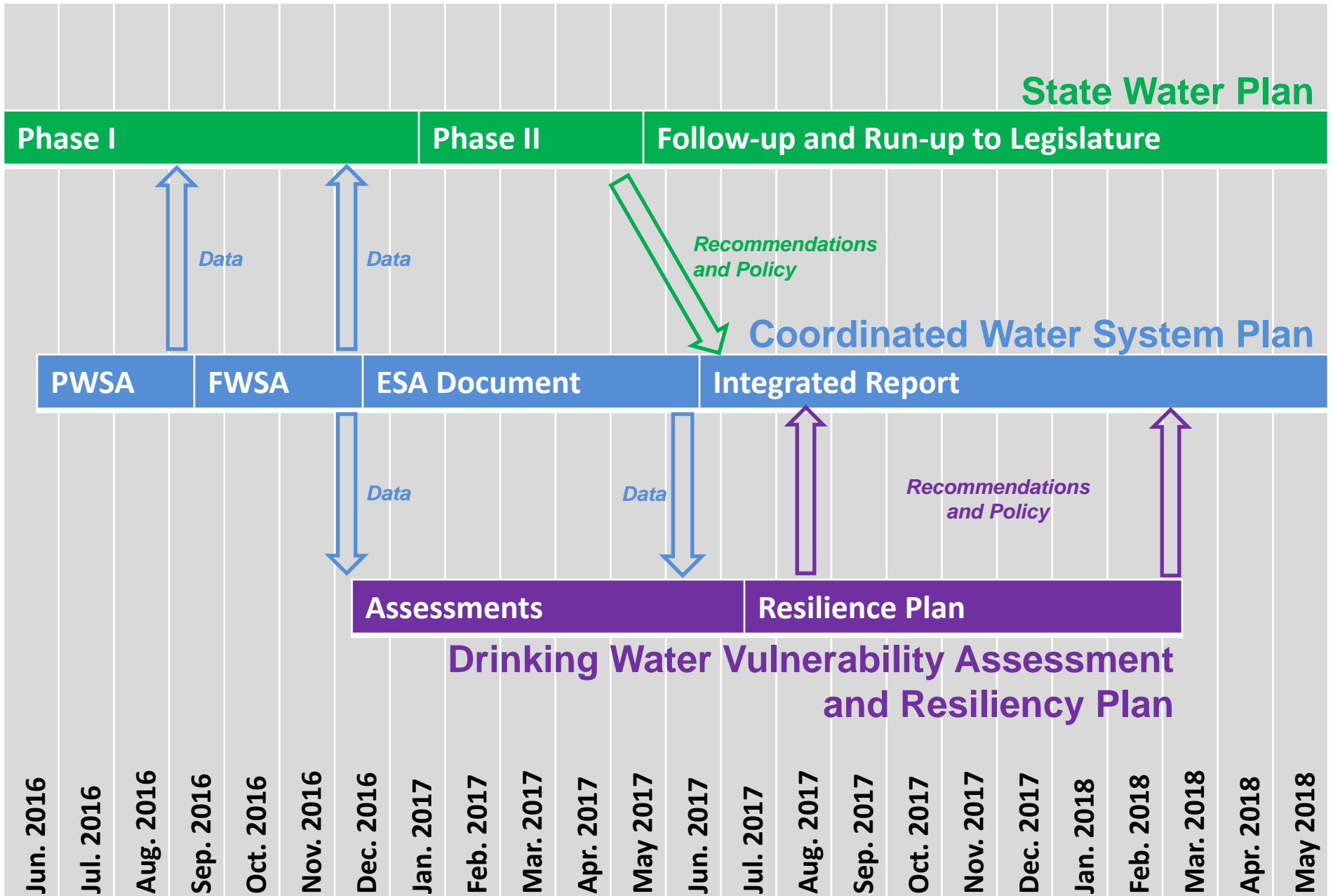
7. Other Business

Integrated Report Topics



- WSA Section 7 Topics
- Regional Analysis of Population and Service Ratio, Consumption, and Safe Yield for 5-, 20-, and 50-year Planning Periods, by User Category
- Surplus Supply for Future Interconnections and Impact of Interconnections
- Joint Use of Facilities, Satellite Management
- Minimum Design Standards
- Water Conservation
- Potential Alternative Future Water Supplies, including Unassigned areas
- Potential Impact on Other Water Resource Needs (Water Quality, Recreation, Hydropower, Aquatic Habitat)
- Financial Considerations
- Compatibility of CWSP with local, regional, and state plans
- ***These will be discussed at a planning level, not site specific***
- ***What else should be addressed?***

Relationship between Coordinated Water System Planning (WUCC), State Water Plan, and Drinking Water Vulnerability Assessment/Resiliency Plan



Potential March 8th Meeting Agenda



1. Welcome & Roll Call
2. Approval of January Meeting Minutes
3. Formal Correspondence
4. Public Comment Period
5. CIRCA Presentation on upcoming DPH Drinking Water Vulnerability Assessment and Resilience Plan
6. Consider and Approve Preliminary ESA Document to go out to Public Review
7. Integrated Report Topics
8. Other Business