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Commissioner J. Robert Galvin, M.D., M.P.H.

**ANNUAL REPORT ON THE WATER UTILITY COORDINATING COMMITTEE
(WUCC) PLANNING PROCESS FOR PUBLIC WATER SYSTEMS**

(PURSUANT TO CONNECTICUT GENERAL STATUTE 25-33n)

January 2007

INTRODUCTION

Connecticut General Statute (CGS) Section 25-33n requires the Commissioner of Public Health to submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment, and energy and public utilities. The report is to describe the status of the Water Utility Coordinating Committee (WUCC) planning process for public water systems established under Section 25-33g to 25-33j, inclusive, for the year ending the proceeding June thirtieth.

This report is being submitted to address CGS 25-33n for the year ending June 30, 2006.

BACKGROUND

A general background discussion of the water supply planning process required pursuant to Connecticut General Statutes 25-33g to 25-33j is provided in **Appendix 1** of this report.

PROGRESS IN 2005-2006

1) HOUSATONIC WUCC:

The Housatonic Water Utility Coordinating Committee (HWUCC) (see **Appendix 3**) held two meetings during this time period, on July 7, 2005 and September 9, 2005.

The purpose of the meeting on 7/7/05 was to discuss and act on three service area requests: creation of a new non-community water system and a new community water system, both in Woodbury; and a change in exclusive service areas (ESA) to allow the Olmstead Water Supply Company to serve a residential development in Brookfield, which is in the Rural Water Company's ESA. The first two issues were tabled until 9/9/05. The third issue was approved by the WUCC. Both the Rural Water Company and the Olmstead Water Supply Company were in agreement with this request and decision.

At its meeting on 9/9/05, the HWUCC adopted a process for addressing requests for the creation of new non-community water systems. The following motion was approved.

The Co-Chairs of the HWUCC be authorized to act as a review panel for non-community PWS applications. The Co-Chairs would also consult with adjacent utilities as well as the petitioner/applicant; they would contact by email all interested parties and/or WUCC members that had requested such notifications.

The HWUCC also addressed housekeeping issues and discussed several issues involving new systems that for various reasons no action was taken.

2) SOUTHEAST WUCC:

The Southeast Water Utility Coordinating Committee (SEWUCC) (see **Appendix 3**) did not meet during this period.

3) SOUTH CENTRAL WUCC:

The South Central Water Utility Coordinating Committee (SCWUCC) (see **Appendix 3**) met on October 31, 2005.

The purpose of this meeting was to discuss and act on a request for approval of a new non-community water system to serve various commercial businesses in Durham. The Town of Durham, the ESA provider in this area, was too far away to provide direct service and declined ownership of the proposed system. The WUCC voted to recommend to the DPH that a new system be created. The Town agreed to operate this new system.

Another issue addressed by the WUCC at this meeting was the adoption of a process for addressing requests for the creation of new non-community water systems in areas where an ESA holder agrees it can not reasonably provide direct service and isn't willing to own a new satellite system. The WUCC passed the following motion to deal with such situations in the future:

That the SCWUCC Chairperson establish a committee of himself and three other WUCC members in good standing, one of which should be the Regional Planning Organization in which the project is located, for the administrative purpose of reviewing and recommending for approval to the Department of Public Health, those requests for the formation of non-community public water supply systems where all parties including the RPO in which the project is located, the project applicant and all ESA holders located within 500 linear feet of the proposed system, are in agreement and have furnished letters to that effect.

4) UPPER CONNECTICUT RIVER WUCC:

The Upper Connecticut River Water Utility Coordinating Committee (UCRWUCC) (see **Appendix 3**) held one meeting on April 12, 2006. This meeting addressed several "house keeping" issues, but no substantive planning issues.

5) WATER PLANNING COUNCIL (WPC):

Public Act 01-177, as modified by Public Act 02-76, established the Water Planning Council to address issues pertaining to Connecticut's water resources. The WPC recognized the need to review relevant existing legislation and regulations for the purpose of proposing constructive changes in legislation. The WPC submitted its annual report to the legislature in February 2006. That report identified action items to be addressed in 2006. Among those items was the need to revisit proposed legislation regarding the procedure for coordination of public water supply planning.

ISSUES

The following issues regarding the WUCC planning process have been raised to the WPC:

- A mechanism needs to be developed to consolidate the existing public water supply management areas.
- Procedural guidelines for the WUCCs should be provided in regulations to make the process more efficient and uniform from management area to management area.
- Each WUCC has labored over establishing and making revisions to exclusive service areas. The later has occurred in Durham/Middlefield, Burlington/Harwinton, and Brookfield. The

statutory process for establishing exclusive service areas and making revisions to existing exclusive service areas should be revised.

- Many municipalities have expressed a desire to be designated as official members. Some have been recognized as members by virtue of their ownership of a public water system. Others could only participate as non-members, without any voting rights. Municipal officials have not always participated in the process when not given official membership status, and regional planning agencies have not always represented each municipality as thoroughly as necessary. The WUCC membership definition includes all public water systems, which serve 25 or more people, or have 15 or more service connections, and regional planning agencies. In February 1985, there existed approximately 700 public water systems. The current estimated number of public water systems in Connecticut is approximately 3,000 (community and non-community public water systems). Logistically these numbers represent too large a group to participate in the planning process. Legislative changes are needed to revise the level of participation and role of various stakeholders in the process.
- Environmental groups such as Rivers Alliance have also expressed an interest in participating in this planning process.
- The Department of Environmental Protection (DEP) raised issues involving the assignment of exclusive service areas as that issue pertains to water allocation and DEP's diversion process.

DISCUSSION

The WUCC planning process has received a certain amount of criticism over the years due to water supply problems in several communities that the process was not able to resolve. Unfortunately, as with any process, there will always be issues that cannot be anticipated, or issues that must be addressed on a case-by-case basis. Where this planning process has been implemented over the past twenty-years, it has generally worked very well. However, since it has been twenty-years, the process would benefit from some revisions and modernization.

Critics of the planning process cite issues in Brookfield, Durham and East Hampton as examples of the process not working. Each of these communities would benefit from the provision of clean drinking water to specific areas of these towns. Unfortunately finding adequate water resources and the financial support necessary to create, or expand, public water service is often a very difficult challenge. This planning process was not created to fund such projects, and finding adequate resources to serve these areas is very difficult without sufficient funding.

Problems like those cited above and other issues that could develop in any of the seven current management areas would be better addressed with improvements to the current process to make it more efficient and effective. With these necessary changes, this process could be an effective tool for change in problem areas seeking unique solutions or facing unanticipated problems.

The Drinking Water Section of the Department of Public Health has coordinated a series of meetings with the WPC Advisory Committee's WUCC Work Group and other state agency staff to discuss the proposed revisions to the Water Utility Coordinating Committee (WUCC) statutes.

The WUCC statute changes were originally submitted in the 2004 Legislative Session, but died in committee. The changes, proposed by the DPH and adopted by the Water Planning Council, are intended to allow the Connecticut Plan water supply planning process to move forward by streamlining the process and reducing the overall cost. As directed by the WPC's annual report to the legislature in 2004, the proposed changes attempt to:

- Create a mechanism to allow consolidation of the existing Public Water Supply Management Area's.
- Address the obstacles (financial, staffing and regulatory) that have limited the completion, approval and/or updates of the WUCC plans.
- Establish the level of participation of various stakeholders in the process.
- Provide procedural guidelines for WUCCs to make the process more efficient and allow a convening WUCC to benefit from previous WUCC's experience.
- Revises the general process by which exclusive service areas (ESA) are established and conflicts are resolved.
- Creates a mechanism to ensure consistency between claimed ESAs and water supply plans.

After the proposed legislation died in committee in 2004, the department continued to meet with the WUCC Work Group, comprised of water utility representatives, environmental groups and other state agencies, in order to reach as much common ground in revising these statutes as possible. Meetings continued throughout 2005, and ultimately resulted in a revised legislative proposal that was supported by the WPC and submitted for legislative approval in 2006. On January 25, 2006, the WPC, through the DPH, invited legislators to a presentation on the planning process and the proposed legislative changes. Unfortunately, this proposal also died in committee. The final version of this 2006 legislative proposal is included in **Appendix 2**.

FUTURE DIRECTION AND RECOMMENDATIONS

Despite the inability to gain legislative support for the proposed revisions to the WUCC legislation, three WUCCs still need to be convened: Northeast, Southwest and Northwest Hills. The next WUCC to be convened will be in the Northeastern management area (see **Appendix 3**).

Revisions to the WUCC legislation and regulations are still needed in order to streamline the planning process and make it more efficient and effective in accomplishing the original intent of the legislation as outlined in the 1985 Final Report of the Water Resources Task Force by addressing comprehensive planning for water supply and water service and quality on a regional basis (see **Appendix 2**). Unfortunately, proposed legislation to update this process has been unsuccessful over the past three years. Efforts to change the existing legislation should not be dropped. In order to move the process forward, funding to resume the process in the Northeastern management area must be allocated. A budget option to fund this WUCC has been submitted by the DPH for the 2007-2009 budgets.

The existing timeline for implementing this planning process in the seven existing management areas, and periodically revisiting each management area, is not practical or reasonable. The process currently involves a two-year commitment in each area. Combined with limited staffing and funding resources, the first round of planning has already taken more than twenty years and

has not been completed. Therefore, consolidation of management areas needs to be considered in order to accelerate the process and ensure that planning is done in all areas within reasonable intervals. The procedure to revise the management area boundaries and establish priorities for convening each WUCC should be revised to allow the department adequate flexibility to manage the process more efficiently.

The elimination of the legislative contract-spending cap should also be pursued. The \$200,000 WUCC contract ceiling mandated by CGS Sec. 25-33j could be eliminated, allowing contracts to be awarded by the department under standard state contract criteria. This would allow the possibility of increasing the individual contract costs; however, coupled with a reduction in the number of WUCC management areas from 7 to 3 or 4, each 10-year planning interval could potentially be completed for a total reduced cost, irrespective of an increased per contract cost. For example, assuming 4 management areas with a per contract cost of \$300,000, the 10-year cycle cost would be \$1.2 million. This would be a savings of \$200,000 over the current 7 areas, with a cost of \$1.4 million (7 areas x \$200,000/area = \$1.4 million). This would also increase the geographical scope of the management areas to foster expanded regional water supply planning.

Municipalities in each management area should be included as eligible WUCC members. This issue was raised in several management areas by municipalities that wanted a more official role in the planning process. This would also add a critical link to municipal land use planning that may not be adequately addressed under the current WUCC structure.

The planning process should be defined to avoid making this process overly cumbersome by involving hundreds of non-residential public water supplies (non-community) in each management area. Including small community and non-community public water supplies does not improve the process, but does escalate the cost and create logistical problems.

Definition of terms; the content of the plan; procedural requirements for the structure of the WUCC, voting procedures, operating rules, and the time schedule for developing the plan; and the criteria and procedure for approval of the plan, should all be reviewed and incorporated into revised regulations in order to make the process more efficient and consistent state-wide.

The criteria and process for establishing exclusive service areas should be revisited and revised as necessary. Regulations are needed to provide guidance to the WUCCs for revising an ESA, especially during the periods between plan updates.

The Water Planning Council has been addressing these issues during its deliberations and in the proposed legislative changes (**Appendix 2**). As a result of the WPC's activities in this area, the existing legislation, CGS 25-33n, requiring this report appears to be superfluous and consideration should also be given to repealing it.

In conclusion, the enabling WUCC legislation must be updated. In the interim sufficient funding should be allocated to allow the department to proceed under the current legislation scheme in order to proceed with water supply planning in those areas of the state that have not benefited from this process to date.

APPENDICES

- 1. General Background**
- 2. The Connecticut Plan Water Supply Planning Process and Proposed Legislative Changes**
- 3. Public Water Supply Management Areas**

APPENDIX 1

GENERAL BACKGROUND

BACKGROUND

“An Act Concerning a Connecticut Plan for Public Water Supply Coordination” (Public Act 85-535) was passed by the Connecticut General Assembly in the 1985 legislative session. The Legislature found that “in order to maximize efficient and effective development of the state’s public water supply systems and to promote public health, safety and welfare, the Department of Public Health (DPH) shall administer a procedure to coordinate the planning of public water supply systems.” The act provides for a coordinated approach to long-range water supply planning by addressing water quality and quantity issues from an area-wide perspective. The process is designed to bring together public water system representatives and regional planning organizations to discuss long-range water supply issues and to develop a plan for dealing with those issues.

The state has been divided into seven management areas based upon a number of factors, including similarity of water supply problems, such as proliferation of small water systems, groundwater contamination problems, and over allocated water resources. After public hearings, area priorities were established to aid in starting the planning process.

The planning process is designed to bring water utility representatives and local officials together to discuss long-range water supply issues and to develop a coordinated water supply plan for addressing these issues in each management area. These coordinated plans are to be built upon individual water supply plans from each utility required to prepare such plans pursuant to CGS 25-32d and modified by regional requirements. The modifications, or the “areawide supplement”, must include an assessment of water supply problems and conditions within the management area, exclusive service area designations, and integration of individual water utility plans into a cohesive areawide plan, which emphasizes cooperation and coordination between public water systems.

The types of problems public water systems are faced with include:

- competition between public water systems for expansion of service areas
- increasing regulatory requirements
- aging and substandard infrastructure
- inadequate source protection
- difficulty in developing new water sources
- inadequate financing
- poor management

- uncoordinated planning among public water systems

Many of these problems lend themselves to areawide analysis and solutions.

Water utility representatives and local officials use a team or consensus approach to solve the problems identified in each management area. This Water Utility Coordinating Committee (WUCC), which is convened by the DPH, then has a vested interest in the plan and its implementation because it is their plan rather than a State conceived solution.

Each WUCC will be reconvened periodically to revise the areawide supplement to reflect the changing status of the individual plans and current planning at the time. This iterative process results in a living document that requires constant vigilance and regular updates to reflect the changing status of individual water supply systems, the economic impacts to projected demographics and the environmental impact on our drinking water supplies.

BENEFITS OF THE CT PLAN

The provision of adequate potable water resources for industry and commerce is of great importance for the continued economic growth of Connecticut. Therefore, it is important to complete the areawide plans for the three remaining Water Supply Management Areas of the state and to revise all plans periodically. Through this coordinated water system planning process, the public water supply needs and issues throughout the state can be defined and addressed.

Often watersheds and water supply aquifers cross political boundaries and management efforts must be coordinated among municipalities. The coordinated water system planning process is a mechanism to define and address areawide or inter-municipal water utility problems.

While new sources of water supply will be needed in the future, potential sources are not always located where demand is anticipated. The coordinated water system planning process is structured to overcome political boundaries by encouraging interconnections between water utility systems to promote efficient water use and allocation.

This two-year planning process in each management area brings together public water systems to discuss water supply issues and needs. Such a forum promotes better coordination and results in better water supply planning on a regional basis.

APPENDIX 2

The Connecticut Plan Water Supply Planning Process And Proposed Legislative Changes

The Connecticut Plan Water Supply Planning Process And Proposed Legislative Changes

INTRODUCTION

We are here today to discuss the Connecticut Plan water supply planning process and our proposed changes to its enabling legislation. The information I will provide today will be in three segments. The first segment is a brief background regarding the evolution of water supply planning in Connecticut. The second segment will be a description of the need for changes in the enabling legislation. The final segment will be a brief explanation of the changes we are proposing.

Let me begin by defining some terms that are frequently referred to when discussing the Connecticut Plan process.

- Public Water Supply Management Area - A geographic area for coordinated water supply planning determined by the Commissioner of Public Health to have similar water supply problems and characteristics.
- Water Utility Coordinating Committee (WUCC) - This refers to the committee consisting of one representative from each public water system with a source of supply or service area within a public water supply management area and one representative from each regional planning organization within the public water supply management area.
- Exclusive Service Area (ESA) – An area where public water is supplied by one system.

EVOLUTION OF WATER SUPPLY PLANNING IN CONNECTICUT

In 1964-65, the state experienced a very dry period, which even today represents the standard by which our water resources are evaluated to determine how much water would be available during a drought. As a result of the 60's drought, the legislature passed a bill in 1967 requiring that the state agencies prepare a statewide long-range plan for the management of the water resources of the state. The purpose of this plan was to develop and maintain a strategy for the management of our water resources for public water supply, wastewater, flood management, water-based recreation, aquatic habitat, agriculture, industry, hydropower and navigation.

The dry 60's were followed by the relatively wet 70's, and an economic climate that resulted in a slow down in development and in tight budgets. The federal Safe Drinking Water Act became

federal law and drinking water quality became the state's primary water resource focus. Water resource planning was put on the back burner.

The drought of 1980-81 refocused the state's attention on the need to plan for drinking water. The most infamous example of problems resulting from a lack of resource planning at that time was the drop in reservoir levels for the system serving the Greenwich area, which resulted in a mere 16 days of water remaining in those reservoirs. Fortunately, the rain returned and a crisis was avoided. As a result however, the legislature created a task force to look at drinking water issues. That task force recommended legislation, which was approved by the General Assembly in 1984 and 1985.

Public Act 85-535, "An Act Concerning a Connecticut Plan for Public Water Supply Coordination" was passed by the Connecticut General Assembly in the 1985 legislative session. The Legislature found that "in order to maximize efficient and effective development of the state's public water supply systems and to promote public health, safety and welfare, the Department of Public Health (DPH) shall administer a procedure to coordinate the planning of public water supply systems." The act provides for a coordinated approach to long-range public water supply planning by addressing water quality and quantity issues from an area-wide perspective. The process is designed to bring together public water system representatives and regional planning organizations to discuss long-range public water supply issues and to develop a plan for dealing with those issues.

The types of problems public water systems were facing include:

- competition between public water systems for expansion of service areas
- increasing regulatory requirements
- aging and substandard infrastructure
- inadequate source protection
- difficulty in developing new water sources
- inadequate financing
- poor management
- uncoordinated planning among public water systems

Many of these problems lend themselves to area wide analysis and solutions.

In 1986, the state was divided into seven management areas based upon a number of factors, including similarity of water supply problems, such as proliferation of small water systems, groundwater contamination problems, and over allocated water resources. After public hearings were held, area priorities were established to aid in starting the planning process.

Fueled by monies allocated by the General Assembly in 1985, the Department of Public Health convened the first three WUCCs in 1986 and 1987. Plans for these areas were completed, but based on input from the consultants hired to facilitate the writing of these plans, it became evident that legislative constraints on hiring consultants to complete this process in the remaining four management areas were going to make it very difficult, if not impossible, to continue the planning process. Coupled with resource constraints in the first half on the 90's and problems

with the approval of individual water supply plans, required of the largest water systems in each management area, the WUCC planning process was halted until 1998.

In 1998, after several failed attempts, Connecticut General Statute 25-33j was revised to eliminate the immediate problem with funding the process (raising the cap from \$100,000 to 200,000), and after sufficient resources were made available to fund the next plan, the fourth WUCC was convened in Southeastern Connecticut in August 1998. A final plan was approved by the Department of Public Health in February 2002.

Each WUCC must be reconvened periodically to revise the plan to reflect the changing status of the individual water supply plans and current planning at the time. This process results in a living document that requires constant vigilance and regular updates to reflect changing economic times and the changing status of individual water supply systems.

The provision of adequate potable water resources for industry and commerce is of great importance for the continued economic growth of Connecticut. Therefore, it is important to complete the area wide plans for the three remaining water supply management areas of the state and to revise all plans periodically. Through this coordinated water system planning process, the public water supply needs and issues throughout the state can be defined and addressed.

Often watersheds and water supply aquifers cross political boundaries and management efforts must be coordinated among municipalities. The coordinated water system planning process is a mechanism to define and address area wide or inter-municipal water utility concerns and needs.

While new sources of water supply will be needed in the future, potential sources are not always located where demand is anticipated. The coordinated water system planning process is structured to overcome political boundaries by encouraging interconnections between water utility systems to promote efficient water use and allocation.

This two-year planning process brings together public water systems to discuss water supply issues and needs. Such a forum promotes better coordination and results in better water supply planning on a regional basis. From the department's perspective this has been very successful.

THE NEED FOR CHANGES

After nearly 20 years of experience with this planning process, the DPH recognized the need to revise the process. The Water Planning Council established by legislation in 2001 to address issues pertaining to Connecticut's water resources, also recognized the need to review relevant existing legislation and regulations for the purpose of proposing constructive changes in legislation. In its annual report to the legislature in February 2005, the WPC identified action items to be addressed in 2005. Among those items was the need to revisit proposed legislation regarding the procedure for coordination of public water supply planning.

ISSUES

The following issues regarding the WUCC planning process have been raised to the WPC:

- A mechanism needs to be developed to reevaluate and possibly consolidate the existing public water supply management areas.
- Procedural guidelines for the WUCCs should be provided to make the process more efficient and uniform from management area to management area.
- Each WUCC has labored over establishing and making revisions to exclusive service areas. The later has occurred in Durham/Middlefield, Burlington/Harwinton, and Brookfield. The process for establishing exclusive service areas and making revisions to existing exclusive service areas should be evaluated.
- Participation on the WUCCs should be reviewed to determine the level of participation and role of various stakeholders in the process. Many municipalities have expressed a desire to be designated as official members. Some have been recognized as members by virtue of their ownership of a public water system. Others could only participate as non-members, without any voting rights. Municipal officials have not always participated in the process when not given official membership status, and regional planning agencies have not always represented each municipality as thoroughly as necessary. The WUCC membership definition includes all public water systems, which serve over 25 or more people, or have 15 or more service connections, and regional planning agencies. In February 1985, there existed approximately 700 public water systems. The current estimated number of public water systems in Connecticut is approximately 3,000 (community and non-community public water systems). Logistically these numbers represent too large a group to participate in the planning process.

Three WUCCs still need to be convened in the Northeast, Southwest and Northwest. The next WUCC to be convened will be in the Northeastern management area. However, revisions to the WUCC legislation and regulations are necessary in order to streamline the planning process and make it more efficient and effective.

The existing timeline for implementing this planning process in the seven existing management areas, and periodically revisiting each management area, is not practical or reasonable. The process currently involves a minimum two-year commitment in each area and takes more than ten years to complete each round of planning. Therefore, consolidation of management areas needs to be considered in order to accelerate the process and ensure that planning is done within reasonable intervals. The procedure to revise the management area boundaries and establish priorities for convening each WUCC should be revised to allow the department adequate flexibility to manage the process more efficiently.

The elimination of the legislative contract-spending cap should also be pursued. The \$200,000 WUCC contract ceiling mandated by CGS Sec. 25-33j should be eliminated, allowing contracts to be awarded by the department under standard state contract criteria. This would allow the possibility of increasing the individual contract costs; however, coupled with a reduction in the number of WUCC management areas from 7 to 3 or 4, the necessary 10-year plan revisions

could potentially be completed for a total reduced cost, irrespective of an increased per contract cost. For example, assuming 4 management areas with a per contract cost of \$300,000, the 10-year cycle cost would be \$1.2 million. This would be a savings of \$200,000 over the current 7 areas, with a cost of \$1.4 million (7 areas x \$200,000/area = \$1.4 million). Such savings would be realized each cycle or every 10-years. This would also increase the geographical scope of the management areas to foster expanded regional water supply planning.

Municipalities in each management area should be included as eligible WUCC members. This issue was raised in several management areas by municipalities that wanted a more official role in the planning process. This would also add a critical link to municipal land use planning that may not be adequately addressed under the current WUCC structure.

Membership should also be redefined to avoid making this process overly cumbersome. The current inclusion of small community and non-community public water supplies does not improve the process, but does escalate the cost and create logistical problems. WUCC membership should include the larger water companies, municipalities, regional planning organizations and appropriate environmental stakeholders.

Definition of terms; the content of the plan; procedural requirements for the structure of the WUCC, voting procedures, operating rules, and the time schedule for developing the plan; and the criteria and procedure for approval of the plan, should all be reviewed and incorporated into revised regulations in order to make the process more efficient and consistent state-wide.

The criteria and process for establishing exclusive service areas should be revisited and revised. Regulations are needed to provide guidance to the WUCCs for revising an ESA, especially during the periods between plan updates.

The Water Planning Council has been addressing these issues during its deliberations and proposed legislative changes have been developed. As a result of the WPC's activities in this area, the existing legislation, CGS 25-33n, requiring the Department of Public Health to prepare a separate report to the legislature appears to be superfluous and consideration should be given to repealing it.

PROPOSED WUCC LEGISLATION

The Drinking Water Section of the Department of Public Health has coordinated a series of meetings with the WPC Advisory Group's WUCC Work Committee and staff from other state agencies to discuss proposed revisions to the WUCC statutes to accomplish these needed changes.

Proposed statute changes were previously submitted in the 2004 Legislative Session, but died in committee. The changes proposed by the DPH, and adopted by the Water Planning Council (WPC), for the 2006 legislative year, are intended to allow the Connecticut Plan water supply

planning process to move forward by streamlining the process to make it more efficient and effective and reducing the overall cost.

The goals and associated changes to the Connecticut Plan statutes proposed this year are as follows:

- Section 25-33e - allow the DPH, in consultation with DEP, DPUC and OPM, after public notice or hearing, to adjust management area boundaries. This will allow the department to consolidate management areas to improve efficiency and reduce costs.
- Section 25-33f - redefine membership to include municipalities and an environmental stakeholder, hopefully resulting in better participation and communications, and to recognize environmental concerns.
- Section 25-33g - eliminate plan components that escalate costs, consume large amounts of time and result in very limited benefit to the planning process.
- Section 25-33h (c) - require regulations establishing the procedural requirements for conducting a WUCC to make the process more efficient and allow a convening WUCC to benefit from a previous WUCC's experience. The development of regulations will sort out the necessary details.
- Section 25-33g - expand the criteria used in establishing exclusive service areas; and to create a process for resolving conflicts, making changes and approving WUCC plans.
- Section 25-33h (c) - require WUCC decisions by consensus, rather than majority vote, in order to eliminate voting by blocks and to restore the original concept of consensus building.
- Section 25-33g (b) - require systems assigned expanded exclusive service areas to revise their water supply plans prior to approval of the WUCC plan.
- Section 25-33h (e) - require a WUCC to revisit exclusive service areas and individual plans at least every two years.
- Section 25-33j - eliminate the cap on contractual services, which combined with a reduction in the number of management areas should result in a net cost savings and reduction in staff hours.
- Add requirements for public notification and hearings throughout the process in order to open the process up and to involve interested parties.

CONCLUSION

The Legislative Task Force in 1985 recognized that the Connecticut Plan process was intended as a planning tool and not a water allocation process. In its report to the legislature, the Task

Force stated that “the diversion program provides the mechanism for implementation of plans developed under the coordinated regional planning process through the reservation of future supplies and allocation of supplies”. The allocation of Connecticut’s water resources has been, is and should be the purview of state government. The Connecticut Plan process provides information to state government regarding future water supply needs and how those needs may be met, and is complimentary to the diversion program.

There is recognized value in continuing this planning process. The information gained through this process should be used in combination with similar information that needs to be gathered from other water resource users to form a basis for a statewide long-range water resource management plan that would allow the state to allocate resources in an efficient manner based on availability and priorities. Such a plan, as contemplated in 1967, but never developed, will benefit from this process. This planning process for public water supplies is not a substitute for such a statewide plan, but is one piece of the much broader plan contemplated in 1967.

In order to continue this process in an effective and efficient manner, these proposed changes in the enabling legislation must be approved, and associated regulatory changes developed to streamline the process.

PROPOSED LEGISLATIVE CHANGES

AN ACT CONCERNING WATER UTILITY COORDINATING COMMITTEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 25-33c of the general statutes is repealed and the following is substituted in lieu thereof:

Legislative finding. The General Assembly finds that an adequate supply of potable water for domestic, commercial and industrial use is vital to the health and well being of the people of the state. Water resources including [R]readily available water for use in public water systems are [is] limited and should be developed with a minimum of loss, [and] waste and environmental impact. In order to maximize efficient and effective development of the state's water resources and public water [supply] systems and to promote public health, safety and welfare, and environmental protection, the Department of Public Health shall administer a procedure to coordinate the planning of public water [supply] systems. Public water systems are subject to regulation by multiple state agencies and depend on approvals from those agencies to operate. In order to meet public water needs and effectively balance the use and protection of the state’s water resources, promote public health and safety, and provide for environmental well being and competing water uses, the Commissioner of Public Health shall participate with the other

governing state agencies in the long range planning and management of the state's water resources.

Sec. 2. Section 25-33d of the general statutes is repealed and the following is substituted in lieu thereof:

Definitions. As used in sections 25-33c to 25-33j, inclusive:

(a) "Public water system" means any private, municipal or regional utility supplying water to fifteen or more service connections or twenty-five or more persons;

(b) "Public water supply management area" means a region determined by the Commissioner of Public Health to have similar water supply problems and characteristics;

(c) "Exclusive service area" means an area where public water is supplied by one system;

(d) "Existing service area" means an area served by a public water system at the time a water utility coordinating committee is initially convened. This area shall include parcels that at the time a water utility coordinating committee is initially convened: (1) were included in a certificate of public convenience and necessity issued pursuant to section 16-262m, (2) had frontage along existing water mains, (3) were contained within that public water system's distribution system, or (4) were owned by that public water system, if that public water system served less than two hundred fifty service connections or one thousand residents, and were contiguous to parcels of land served by that public water system at the time a water utility coordinating committee was initially convened. Parcels of land that meet these criteria after the initial convening of the water utility coordinating committee are not included in this definition.

~~[(d)]~~ (e) "Commissioner" means the Commissioner of Public Health;

~~[(e)]~~ (f) "Satellite management" means management of a public water [supply] system by another water company;

~~[(f)]~~ (g) ["Coordinated water system plan" means (1) the individual water system plans of each public water system within a public water supply management area, filed pursuant to section 25-32d, and (2) an area-wide supplement to such plans] "Regional water supply plan" is a plan developed pursuant to section 25-33h, which addresses water system concerns pertaining to the public water supply management area as a whole.

Sec. 3. Section 25-33e of the general statutes is repealed and the following is substituted in lieu thereof:

Delineation of public water supply management areas.

(a) Not more than six months after July 1, 1985, the Commissioner of Public Health, in consultation with the Department of Public Utility Control, the Commissioner of Environmental Protection and the Secretary of the Office of Policy and Management, shall delineate the preliminary boundaries of public water supply management areas and establish preliminary

priorities for initiation in such areas of the planning process established in sections 25-33f to 25-33h, inclusive. Not more than one year after July 1, 1985, the commissioner, after a hearing, shall delineate the final boundaries of such areas. In making such delineation, the commissioner shall consider the following: (1) The similarity of water supply problems among water companies operating in the preliminary management area; (2) population density and distribution in the area; (3) the location of existing sources of public water supply, service areas or franchise areas; (4) existing interconnections between public water systems; (5) municipal and regional planning agency boundaries; (6) natural drainage basins; (7) topographic and geologic characteristics; and (8) any other factor he deems relevant. The commissioner may periodically review the boundaries of each management area and revise such boundaries after consideration of these same factors; consultation with the Department of Public Utility Control, the Commissioner of Environmental Protection and the Secretary of the Office of Policy and Management; and after a public hearing. The department may waive the requirement for a public hearing after publishing notice of the revised boundaries and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing. Any exclusive service area boundaries established by existing water utility coordinating committees shall remain in effect until new exclusive service area boundaries are established pursuant to section 25-33g, regardless of changes to water supply management area boundaries.

(b) Not more than one year after July 1, 1985, the commissioner, after hearing, shall establish the final priorities for initiation of the planning process. In establishing such priorities the commissioner shall consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, (3) unreliable water service; and (4) any other factor he deems relevant. The priority for convening each water utility coordinating committee subsequent to the [initial planning process] completion of the initial regional water supply plan in each management area shall be determined by the commissioner, after a public hearing. The department may waive the requirement for a public hearing after publishing notice of and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing.

Sec. 4. Subsection (b) of section 25-33f of the general statutes is repealed and the following is substituted in lieu thereof:

(b) A water utility coordinating committee shall consist of: (1) one representative from each public water system serving two hundred and fifty or more service connections or one thousand or more persons with a source of water supply or a service area within the public water supply management area [and one representative], (2) the executive director from each regional planning [agency] organization within such area, [elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. Each committee shall elect a chairman, adopt and amend, as required, a work plan and schedule for a

coordinated plan and adopt rules, including, but not limited to, rules for publication of meeting times and agendas, and for public comment, including notice of a comment period and documentation of responses to comments] (3) one representative from a watershed protection organization selected by the Water Planning Council, established pursuant to Section 25-33o, and (4) one representative appointed by the chief elected official of each municipality within the management area, where the municipality is not represented by a public water system from subparagraph (1) of this subsection. For purposes of this subsection, "municipality" means any of the state's 169 towns and cities.

Sec. 5. Section 25-33g of the general statutes is repealed and the following is substituted in lieu thereof:

[Assessment of water supply conditions and problems.] Exclusive service area boundaries.

(a) Each water utility coordinating committee, in consultation with the Commissioners of Public Health and Environmental Protection, the Secretary of the Office of Policy and Management and the Department of Public Utility Control, shall [develop a preliminary assessment of water supply conditions and problems within the public water supply management area. The committee shall solicit comments on the preliminary assessment from municipalities, regional planning agencies, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.

(b) The committee shall establish preliminary exclusive service area boundaries, based on the final assessment, for each public water system within the management area. The committee shall solicit comments on such boundaries from municipalities, regional planning agencies, the Commissioners of Environmental Protection and Public Health, the Department of Public Utility Control, the Secretary of the Office of Policy and Management and other interested persons within the management area and respond to any comment received. If there is no agreement by the committee on such boundaries, the committee shall consult with the Department of Public Utility Control. If there is no agreement by the committee after such consultation,] recommend exclusive service area boundaries in accordance with regulations adopted by the Commissioner of Public Health pursuant to section 25-33h. In determining such boundaries each water utility coordinating committee shall consider the following factors: existing water service area; established exclusive service areas; individual water supply plans filed pursuant to section 25-32d; local land use plans, zoning regulations and growth trends; the State Plan of Conservation and Development; water resource limitations; the location of land owned by the State of Connecticut or otherwise permanently protected conservation areas; physical limitations to water service; political boundaries; water company rights as established by statute, special act or administrative decisions; system hydraulics; financial, technical and managerial viability of a public water system; and ability of a water system to provide a pure and adequate supply of water now and into the future.

[(c)](b) Whenever two or more parties claim overlapping exclusive service area boundaries, and cannot resolve the claims to their mutual satisfaction, or a public water system with an exclusive service area is unwilling to serve a project or projects in its exclusive service area, the Commissioner of Public Health shall establish or may change such exclusive service area boundaries after public hearing, taking into consideration; [any water company rights established

by statute, special act or administrative decisions.] the factors indicated in subsection (a) of this section and other information the Commissioner deems necessary to determine which party is most able to provide a pure and adequate supply of water and meet the public health and safety needs of the consumers now and into the future. [In establishing such boundaries the commissioner shall maintain existing service areas and consider the orderly and efficient development of public water systems supplies.] In recommending [considering] any change to exclusive service area boundaries, the commissioner shall maintain existing service areas, consider established exclusive service areas, and consider the orderly and efficient development of public water [supplies] systems. Such hearing shall be held within sixty days of the commissioner's recommendation and a decision shall be rendered within forty-five days following the hearing. The parties and the water utility coordinating committee shall be notified of the hearing by mail not less than fifteen days prior to the date set for the hearing. Any of the parties that are aggrieved by a decision of the commissioner pursuant to this section shall have a right of appeal to the superior court as provided for in section 4-183.

[(b)](c) Within six months of submission of the committee's recommendations of such boundaries to the Commissioner, or any recommendation by the Commissioner subsequent to subparagraph (b) each public water system that is assigned an exclusive service area shall be required to develop or revise a water supply plan pursuant to Section 25-32d documenting the public water system's plan to provide water service in the exclusive service area.

(d) The commissioner shall conduct a public hearing prior to the approval of the exclusive service area boundaries, except that the department may waive the requirement for a public hearing after publishing notice of the service area boundaries and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing.

(e) No exclusive service area boundary shall be revised without approval of the Water Utility Coordinating Committee or a decision by the Commissioner pursuant to Section 25-33i.

Sec. 6. Section 25-33h of the general statutes is repealed and the following is substituted in lieu thereof:

[Coordinated] Regional water [system] supply plan. Regulations.

(a) Each water utility coordinating committee shall prepare a [coordinated] regional water [system] supply plan [in the] for its public water supply management area. [Such plan shall be submitted to the Commissioner of Public Health for his approval not more than two years after the first meeting of the committee.] The plan shall promote cooperation among public water systems and include, but not be limited to, provisions for (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4) joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans including the State Plan of Conservation and

Development; (8) [minimum design standards] source water protection; and (9) water conservation; (10) the impact on other uses of water resources; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts.

(b) The regional water supply plan shall be adopted in accordance with the provisions of this section. The committee shall prepare a draft of the plan and solicit comments thereon from the Commissioners of Public Health and Environmental Protection, the Department of Public Utility Control, the Secretary of the Office of Policy and Management and any municipality, regional planning organization [agency] or other interested party within the management area. [The municipalities and regional planning agencies shall comment on, but shall not be limited to commenting on, the consistency of the plan with local and regional land use plans and policies. The Department of Public Utility Control shall comment on, but shall not be limited to commenting on, the cost-effectiveness of the plan. The Secretary of the Office of Policy and Management shall comment on, but shall not be limited to commenting on, the consistency of the plan with state policies. The Commissioner of Environmental Protection shall comment on, but shall not be limited to commenting on, the availability of water for any proposed diversion. The Commissioner of Public Health shall comment on, but shall not be limited to commenting on, the availability of pure and adequate water supplies, potential conflicts over the use of such supplies, and consistency with the goals of sections 25-33c to 25-33j, inclusive.]

(c) The Commissioner of Public Health shall adopt regulations in accordance with the provisions of chapter 54 establishing the contents of a plan, the time schedule for development of the plan, operating and governance procedures for the water utility coordinating committees, and the criteria and [a] procedure for approval or amendment to the regional water supply plan. Decisions by the water utility coordinating committee shall be based on the consensus of participating members and any unresolved disputes between members of the committee on service area claims, or the regional supply plan, shall be submitted to the commissioner for resolution.

(d) A public hearing shall be required prior to approval of the regional water supply plan except that the department of public health may waive the requirement for a public hearing after publishing notice of the intent to waive the requirement for a hearing in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing. Prior to publishing notice of intent to adopt or amend regulations authorized by this section, the Department of Public Health shall solicit comments on such proposed regulations from the Department of Environmental Protection, the Department of Public Utility Control and the Office of Policy and Management.

(e) After approval of the regional water supply plan, the water utility coordinating committee shall convene at least every two years to update the regional water supply map to reflect any subsequent changes to the [water systems'] exclusive service area boundaries [as indicated in a water supply plan approved pursuant to Section 25-32d].

Sec. 7. Section 25-33i of the general statutes is repealed and the following is substituted in lieu thereof:

Consistency with plan. Restriction on approval of public water [supply] system.

[(a)] Any permit issued by the Commissioner of Public Health pursuant to this chapter shall, to the extent feasible, be consistent with any [coordinated] regional water supply plan adopted pursuant to section 25-33h.

[(b) No] A new public water supply system may be created [approved] within a public water supply management area after the Commissioner of Public Health has convened a water utility coordinating committee [unless (1) an existing public water supply system is unable to provide water service or (2)] when the area requiring water service has not been assigned as part of a public water system's exclusive service area, or when the public water system with the exclusive service area responsibility is unable to provide service via a main extension, satellite management or a mutual arrangement with another public water system, and the committee recommends such approval, or the commissioner approves the system. If the public water system with the exclusive service area responsibility is unwilling to serve a project in its exclusive service area via a main extension, satellite management or a mutual arrangement with another public water system, the commissioner may change the exclusive service area boundaries of that public water system and reassign all of, or a portion of, the exclusive service area to someone else in accordance with section 25-33g. All new public water systems must be in compliance with section 16-262m.

Sec. 8. Section 25-33j of the general statutes is repealed and the following is substituted in lieu thereof:

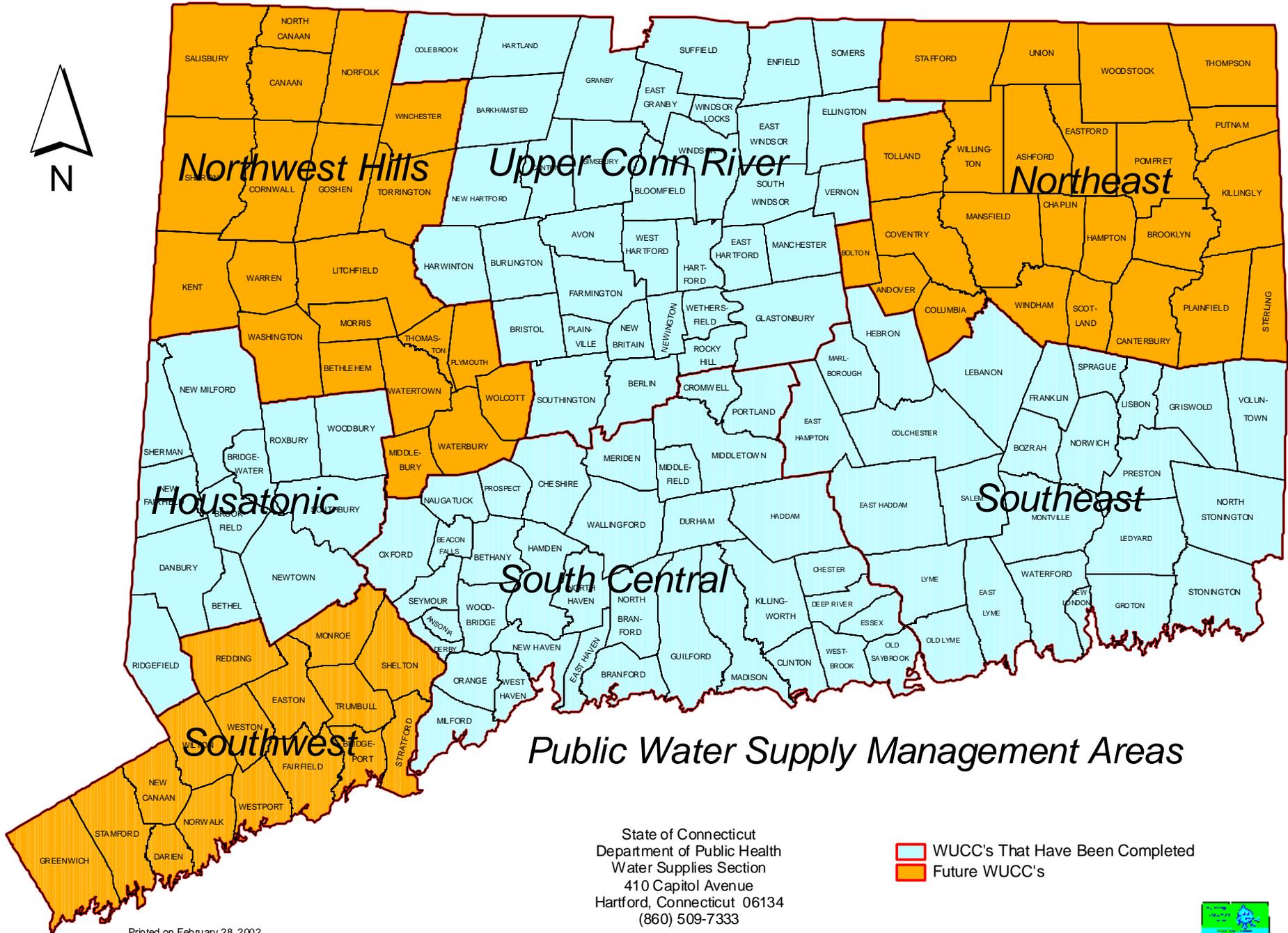
Contract for services to water utility coordinating committee. The Commissioner of Public Health may enter into contracts with consultants to provide services to water utility coordinating committees. [The amount of any contract shall not exceed two hundred thousand dollars.] Any appropriation made to the Department of Public Health for the purposes of this section shall not lapse until the [Department] Commissioner of Public Health has [completed the planning process] approved the regional water supply plan for a water utility coordinating committee.

Sec. 9. Section 25-33n of the general statutes is repealed:

[Annual report on water planning process. On or before the second Wednesday after the convening of each regular session of the General Assembly, the Commissioner of Public Health shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and public utilities, which describes the status of, for the year ending the preceding June thirtieth, the water planning process established under sections 25-33g to 25-33j, inclusive, and efforts to expedite the process.]

APPENDIX 4

PUBLIC WATER SUPPLY MANAGEMENT AREAS



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Public Water Supply Management Areas

State of Connecticut
Department of Public Health
Water Supplies Section
410 Capitol Avenue
Hartford, Connecticut 06134
(860) 509-7333

-  WUCCs That Have Been Completed
-  Future WUCCs

