

Meeting Minutes
Western WUCC Convening Meeting
Brookfield Municipal Center – 100 Pocono Road, Brookfield, CT
May 9, 2017 10:00 AM

The Western Water Utility Coordinating Committee (WUCC) held a meeting on May 9, 2017 at 10:00 a.m. at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut. Prior written notice of this meeting was given via emails from the Department of Public Health (DPH) to eligible WUCC members, chief administrative officials, local health directors, town clerks, the Secretary of State, state agencies (OPM, PURA, DEEP, CT Office of Consumer Counsel, CT DOT, CT DECD, the Commissioner of Agriculture), and other interested persons. Notice of the meeting was also posted on the DPH website <http://www.ct.gov/dph/wucc/>.

The following WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

| WUCC Member Representative | Affiliation |
|-----------------------------------|---|
| Dan Lawrence (Co-Chair) | Aquarion Water Company |
| Doug Arndt | Town of Bethel |
| Ray Sullivan | Town of Brookfield |
| David Connors | Connecticut Water Company |
| Mike Elliot | First Taxing District Water Department |
| David Day | Danbury Water Department |
| Meghan Sloan | Metro COG |
| David Banker | Metropolitan District Commission |
| Max Tanguay-Colucci | Naugatuck Valley COG |
| Wesley Marsh | Town of New Hartford |
| Donna Culbert | Town of Newtown |
| Joanna Wozniak-Brown | Northwest Hills COG |
| Scott Halstead | Town of Oxford |
| Tiffany Lufkin | South Central CT Regional Water Authority |
| Tom Villa | South Norwalk Electric & Water |
| Steve Cerruto | Torrington Water Co. |
| James Dawson | Western CT Council of Governments |
| Jim Rollins | Winsted Water Works |

The following non-WUCC member representatives were in attendance (listed in alphabetical order of affiliation):

| Non-WUCC Member Representative | Affiliation |
|---------------------------------------|--|
| Doug Hoskins | CT Department of Energy & Environmental Protection |
| Melissa Czarnowski | CT Department of Energy & Environmental Protection |
| Eric McPhee | CT Department of Public Health |
| Gail Lucchina | CT Public Utilities Regulatory Agency |
| David Murphy | Milone & MacBroom, Inc. (MMI) |
| Tony Mitchell | Rivers Alliance |

A copy of the meeting agenda is attached. The following actions took place:

1. Welcome & Roll Call

The Chair opened the meeting at 10:01 AM. The chair requested a roll call of attendees. Mr. Murphy provided a brief refresher of the process to date and an overview of the goals of the meeting.

2. Review of April Meeting Minutes

Mr. Lawrence asked if there were any comments or changes from the floor. No comments were made. Mr. Sullivan moved to approve the minutes. Mr. Cerruto seconded. Members voted unanimously to approve, three members abstained from the vote.

3. Review of Formal Correspondence

Mr. Banker discussed the following correspondence which the WUCC received, sent or was copied on:

- 04-19-2017 – Email from WUCC to ESA holders RE Statement of Confirmation
- 05-08-2017 – Email from Rivers Alliance regarding Exclusive Service Areas and Enforcement

Further discussion of River Alliance's email was tabled for discussion under Other Business

A copy of the above correspondence is attached.

4. Public Comment

The Chair opened the public comment period. No public comment was received.

5. ESA Document & Maps – Discussion of Comments & Vote to Finalize Document and Submit to DPH

- Mr. Murphy stated that there would not be a vote to finalize the ESA document; the vote to finalize the document is anticipated for the next WUCC meeting on June 13th.
- Mr. Murphy reviewed and summarized the comments on the ESA document, including a DPH request to assign Exclusive Service Areas in Watertown.
- Mr. McPhee provided detail of the Department of Public Health's concern regarding the desire for ESA assignment in Watertown, including known areas of expansion due to planned DPH funded projects within the town. Mr. McPhee acknowledged that ESA assignment in Watertown would not be able to meet the schedule for the finalization of the ESA document, but confirmed that DPH will be meeting with the Watertown Water and Sewer Department and Fire District to discuss further.
- Mr. Mitchell asked if it would be useful to have a heavy/darker border around the ESA borders shown on the ESA mapping.

- There was consensus among WUCC members that darker border lines were not needed.
- Mr. Tanguay-Colucci asked for more information regarding the location of planned industrial development in Watertown
- Mr. McPhee provided an approximate location of the development and stated that DPH would keep the COG informed of ESA discussions in Watertown.

6. Statement of Confirmation Submissions – Status Update

- Mr. Murphy provided an update on Statement of Qualifications received to date and reminded members of the pending June 1st deadline for submission.
- Ms. Lufkin stated that she had not received the SOQ due to email/security issue and requested that the WUCC post the document to the WUCC webpage.
- Mr. Murphy and Mr. Banger agreed to post the document to the webpage.
- Mr. Marsh stated that there were concerns among board members in New Hartford, and he is unsure if the town will meet the deadline. The concerns are regarding the potential need to expand their aging water system or take on satellite systems.
- Mr. Murphy stated that the WUCC and MMI are available to answer any specific questions from the town.
- Mr. Arndt stated that Bethel's Statement of Confirmation is with the town attorney for review.
- Mr. Murphy stated that the WUCC should follow up with New Fairfield and Sharon regarding the status of their statements; Mr. Murphy confirmed that he would check in with them.

7. Discussion of Potential Schedule and Items for Integrated Report

- Mr. Murphy reviewed topics and potential topics for inclusion in the Integrated Plan. Data and issues from State Water Plan and DPH Drinking Water Vulnerability Assessment and Resiliency Plan could be included in the plan. The WUCC should expect a presentation from the Water Planning Council about the State Water Plan in June or July. Mr. Murphy presented a proposed schedule for discussion of topics in the Integrated Report.
- Mr. Lawrence asked what may be some of the biggest issues anticipated for discussion in the Integrated Report.
- Mr. Murphy stated that the draft State Water Plan should be available in June and it will provide items for consideration. Mr. Murphy can provide an update to the WUCC if the presentation and/or deadline are pushed back. MMI will be requesting updated data to bring the information in the Water Supply Assessment up to date. MMI will also be requesting data/reports regarding the anticipated effects of streamflow releases on water utility safe yield/available water for inclusion in the report.
- Mr. Arndt asked what form the streamflow data would be in.
- Mr. Murphy stated that some utilities had performed analyses to identify the effects of streamflow releases on safe yield. In many cases DEEP has not formalized the required streamflow release, so studies are based on anticipated releases.

- Mr. Lawrence added that utilities can utilize the results to identify and plan for new water sources, where needed. Additionally, the WUCC process could help identify alternative sources via interconnections with neighboring utilities.
- Mr. Murphy commented that the discussion of topics for the Integrated Report will be different depending on the topic. It is anticipated that some topics will be resolved in one meeting while others will require multiple meetings.
- Mr. Lawrence stated that one topic which may require multiple meetings will be registered diversions. DEEP has recently made presentations regarding these effects and there may be benefit to the WUCC if DEEP could make a similar presentation to the WUCC.
- Ms. Czarnowski briefly summarized DEEP's photo-documentation of available streamflow during the recent drought.
- There was consensus among WUCC members that an item would be added for DEEP to make this presentation at the next WUCC meeting.¹
- Ms. Wozniak-Brown asked if the Integrated Report will include discussion of the effect of large water use or withdrawal on residential wells.
- Mr. Murphy stated that residential well data has been identified as a data gap within the State Water Plan.
- Ms. Wozniak-Brown asked if the State Water Plan will be developing a water budget for each watershed.
- Mr. Murphy stated that the State Water Plan includes a very high level review of withdrawals from major watersheds in the state, but data is not available especially to the residential well level. The State Water Plan and WUCC rely upon the towns to raise issues for inclusion in the report.
- Ms. Wozniak-Brown asked where concerns with the impacts of water withdrawals and the effect on local supplies would be considered.
- Mr. Murphy stated that it would be considered under the "Potential Impacts on Other Use of Water Resources" topic.
- Ms. Sloan asked if the report would consider the impacts of natural disasters such as hurricanes.
- Mr. Murphy stated that DPH/CIRCA Drinking Water Vulnerability Assessment and Resiliency Study will provide information which can be incorporated into the Integrated Report.
- Mr. Elliot asked if interconnections should be discussed earlier in the Integrated Report process.
- Mr. Murphy stated that the WUCC needed to discuss and consider the effects of proposed streamflow releases on available safe yields prior to discussing interconnections.
- Mr. Lawrence stated that interconnections can play a vital role in ensuring available water supplies, citing the regional interconnection approach utilized in the southeast corner to provide both planned and emergency water supplies.
- Mr. McPhee stated that there could be a benefit to reviewing and discussing the regional process utilized to serve the southeast region of the state.

¹ Ms. Czarnowski provided follow up after the meeting, DEEP will not present the data at the next WUCC meeting. Instead DEEP is planning to hold a separate presentation for water utilities.

- Mr. Mitchell asked if the regional interconnections in the southeast corner included requirements for conservation. None of the WUCC members were familiar with the requirements and could not provide details.

8. Other Business

- Mr. Lawrence reviewed the email from the Rivers Alliance regarding new ESAs and enforceability. It is anticipated that the three WUCCs will receive similar requests, and will work together to develop a joint response for consistency among the WUCCs.
- Mr. McPhee stated that regarding enforceability, DPH anticipates enforcing the requirements of the regulations and statutes upon ESA holders once the ESA document has been submitted to DPH.
- Mr. Lawrence added that ESA holders are required to take ownership of new community water systems, and have the first right of refusal for ownership of new Transient Non-Community and Non-Transient Non-Community Systems.
- Mr. Mitchell asked if there was any provision for ESA holders to not take ownership of new community systems.
- Mr. McPhee stated that the requirements for ownership are in the regulations for the Certificate of Public Convenience and Necessity (CPCN). This process allows the CPCN application to continue if an ESA owner refuses ownership to prevent obstruction of the process.
- Mr. Marsh asked when the WUCC anticipates a response to the Rivers Alliance email.
- Mr. Murphy stated a response should be drafted by late May.
- Mr. Lawrence added that most water utilities require developers to pay the costs associated with either water main extension or new water system construction to serve new developments so that costs are not born by existing customers.
- Mr. Mitchell stated that the Town of Fairfield will cut funding to two stream gage sites on the Rooster River and Mill River, and asked if any interested parties come forward if they could assist in funding. The estimated cost per year is \$22,000 for the two sites. Additionally, the City of Hartford will no longer be funding the gage site on the North Branch of the Park River.
- Mr. Mitchell asked if there are any long-term tools or forecasts which utilities use to anticipate drought.
- Mr. Lawrence stated that Aquarion utilizes forecasting based on flows, trends, historical weather patterns and weather projections.
- Mr. Hoskins stated that the interagency drought advisory group continues to meet and discuss drought. The last meeting was last week and the group lowered the statewide level to drought advisory.

As there was no more business, Mr. Elliot made a motion to adjourn. Mr. Cerruto seconded the motion. The motion passed unanimously and the meeting closed at 11:20 AM.

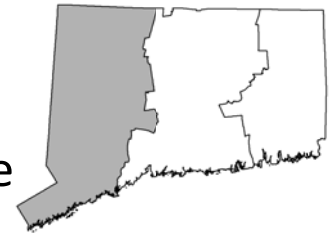
The next Western WUCC Meeting is scheduled for Tuesday June 13th, 2017 to be held at the Brookfield Municipal Center at 100 Pocono Road in Brookfield, Connecticut.

Respectfully Submitted,

David Banker, Recording Secretary – Western WUCC

DRAFT

Western Region
Water Utility Coordinating Committee



Meeting Agenda

May 9, 2017

Location: Brookfield Town Hall

Time: 10:00 a.m. to 12:00 p.m.

Russell Posthauer, Jr., Co-Chair
russellposthauer@ccaengineering.com
203-775-6207

Daniel Lawrence, Co-Chair
DLawrence@aquarionwater.com
203-362-3055

David Banker, Recording Secretary
DBanker@themdc.com
860-278-7850 Ext. 3650

1. Welcome & Roll Call (5 minutes)
2. Review and Approval of April Meeting Minutes (5 minutes)
3. Review of Formal Correspondence (5 minutes)
4. Public Comment (5 minutes)
5. Preliminary ESA Document & Maps – Discussion of Comments & Vote to Finalize Document & Submit to DPH (30 minutes)
6. Statement of Confirmation Submissions – Status Update (15 minutes)
7. Discussion of potential schedule and items for Integrated Report (20 minutes)
8. Other Business, if time allows

If the meeting is postponed, the revised meeting date will be Tuesday May 16th.

Banker, David

From: Banker, David
Sent: Wednesday, April 19, 2017 10:18 AM
To: Banker, David (DBanker@themdc.com)
Cc: DLawrence@aquarionwater.com; russellposthauer@ccaengineering.com; Dave Murphy; Scott Bighinatti
Subject: Western WUCC - Statement of Confirmation for Exclusive Service Area - Action Required
Attachments: Western WUCC - Statement of Confirmation.pdf; ESA Map Index.pdf

Good Morning,

The Western Water Utility Coordinating Committee (WUCC) is working to complete the Exclusive Service Area (ESA) process, planning to submit a finalized ESA document to the Connecticut Department of Public Health after the June 13th WUCC meeting. You are receiving this email because the utility or municipality you represent has a recommended ESA in the Western WUCC and entities with an ESA are required to sign a Statement of Confirmation to accept the ESA. A copy of the Statement of Confirmation and an index of ESA maps by town and water utility have been attached to this email. Proposed ESA maps can be found in Appendix E of the Preliminary ESA document, link included below: http://www.ct.gov/dph/lib/dph/drinking_water/pdf/preliminaryesadocument-western_2017-03-22.pdf

The WUCC is requesting to receive signed Statements of Confirmations on or before June 1, 2017. A signed original document must be provided to the Recording Secretary; this document can be provided in person at the next Western WUCC meeting scheduled for May 9th or sent to the address listed below. If you have any questions or if you cannot meet the schedule discussed above, please reach out to myself and the other WUCC officers copied on this email.

For more information regarding the Western WUCC, please visit the Connecticut Department of Public Health's webpage:

<http://www.ct.gov/dph/wucc>

Thank you in advance for your help

David Banker, P.E.
Recording Secretary, Western WUCC
555 Main Street
Hartford, CT 06142-0800
Ph: (860) 278-7850 ext. 3650
Fax: (860) 525-5013

Western Region Water Utility Coordinating Committee



STATEMENT OF CONFIRMATION OF EXCLUSIVE SERVICE AREA BOUNDARIES WESTERN PUBLIC WATER SUPPLY MANAGEMENT AREA

Whereas, in accordance with Section 25-33h of the Connecticut General Statutes, each potential Exclusive Service Area (ESA) holder in the Western Public Water Supply Management Area (PWSMA) is granted the right to request, through a declaration process, its future service area; and

Whereas, the Western Water Utility Coordinating Committee (WUCC) has formally requested such ESA declarations from potential providers and has received such declarations from interested parties within the Western PWSMA; and

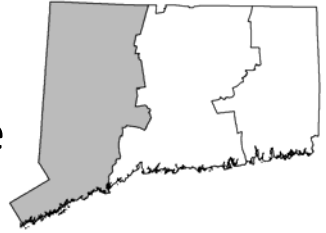
Whereas, the Western WUCC has reviewed the declared ESA boundaries and confirms that all conflicts between potential ESA holders have been resolved through a process developed by the WUCC; and

Whereas, the Western WUCC will make recommendations to the Connecticut Department of Public Health (DPH) with regard to ESA awards;

Therefore, the undersigned accepts responsibility for the ESA as recommended by the Western WUCC and will abide by the following provisions:

1. Service Area Boundaries: The undersigned acknowledge that the attached physical map or maps, as identified below and as prepared from Geographic Information System (GIS) mapping, accurately identifies the ESA of the undersigned ESA holder as accepted by the Western WUCC on or prior to April 11, 2017. Copies of the approved maps and Statements of Confirmation will be kept on file at the Connecticut DPH offices and will be available for public review. Unofficial copies will be available electronically online on the Western WUCC website hosted by Connecticut DPH.
2. Rights and Responsibilities: As specified by the Regulations of Connecticut State Agencies 25-33h-1(k)(2), the undersigned acknowledges its right and responsibility for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance within their ESA boundaries within a reasonable timeframe. Such rights and responsibilities are detailed in the ESA Document prepared by the Western WUCC. The undersigned acknowledges that it will adhere to any applicable changes to the statutes and regulations which may occur from time to time.
3. Boundary Adjustments: If at some time in the future it is in the best interest of the undersigned to make adjustments to an ESA boundary, such adjustments must be made in accordance with the ESA Modification Procedures in the Western WUCC Work Plan and be approved by the Connecticut DPH. Such adjustments must be reconfirmed by completion of a new Statement of Confirmation of ESA Boundaries and updates to the associated mapping.

Western Region Water Utility Coordinating Committee



STATEMENT OF CONFIRMATION OF EXCLUSIVE SERVICE AREA BOUNDARIES WESTERN PUBLIC WATER SUPPLY MANAGEMENT AREA

The undersigned ESA holder has executed this Statement of Confirmation as of _____
Date

ESA Holder

Representative (Signature)

Representative (Print)

Title (Print)

ESA Map Numbers Associated with this Statement of Confirmation: _____

Brief description of the ESA shown on the enclosed map(s) for which this Statement of Confirmation applies:



The first table herein presents the towns by ESA map number, and identifies those entities who are ESA holders shown on each map. The second table herein lists each ESA holder, and identifies which ESA map numbers are applicable to their Statement of Confirmation. Statements of Confirmation and ESA Maps follow these tables.

**TABLE E-1
ESA MAP INDEX**

| ESA Map Number | Municipality | ESA Holder(s) for Portions or All of Municipality |
|----------------|---------------|---|
| 1 | Ansonia | South Central Connecticut Regional Water Authority |
| 2 | Barkhamsted | Winsted Water Works |
| 3 | Beacon Falls | Aquarion Water Company, Connecticut Water Company |
| 4 | Bethel | Aquarion Water Company, Bethel Water Department |
| 5 | Bethlehem | Aquarion Water Company, Town of Bethlehem |
| 6 | Bridgeport | Aquarion Water Company |
| 7 | Bridgewater | Aquarion Water Company |
| 8 | Bristol | Bristol Water Department |
| 9 | Brookfield | Aquarion Water Company |
| 10 | Burlington | Bristol Water Department, Connecticut Water Company, Torrington Water Company |
| 11 | Canaan | None |
| 12 | Cheshire | South Central Connecticut Regional Water Authority |
| 13 | Colebrook | None |
| 14 | Cornwall | Aquarion Water Company |
| 15 | Danbury | Danbury Water Department |
| 16 | Darien | Aquarion Water Company |
| 17 | Derby | South Central Connecticut Regional Water Authority |
| 18 | Easton | Aquarion Water Company |
| 19 | Fairfield | Aquarion Water Company |
| 20 | Goshen | Town of Goshen |
| 21 | Greenwich | Aquarion Water Company |
| 22 | Hartland | None |
| 23 | Harwinton | Connecticut Water Company, Torrington Water Company |
| 24 | Kent | Aquarion Water Company |
| 25 | Litchfield | Aquarion Water Company |
| 26 | Middlebury | Aquarion Water Company, Connecticut Water Company |
| 27 | Monroe | Aquarion Water Company |
| 28 | Morris | Town of Morris |
| 29 | Naugatuck | Connecticut Water Company |
| 30 | New Canaan | Aquarion Water Company |
| 31 | New Fairfield | Aquarion Water Company, New Fairfield Water Pollution Control Authority |
| 32 | New Hartford | Connecticut Water Company, New Hartford Water Pollution Control Authority, Torrington Water Company |
| 33 | New Milford | Aquarion Water Company |
| 34 | Newtown | Aquarion Water Company |
| 35 | Norfolk | Aquarion Water Company |
| 36 | North Canaan | Aquarion Water Company |
| 37 | Norwalk | City of Norwalk First Taxing District, South Norwalk Electric & Water |

**TABLE E-1
 ESA MAP INDEX**

| ESA Map Number | Municipality | ESA Holder(s) for Portions or All of Municipality |
|-----------------------|---------------------|--|
| 38 | Oxford | Aquarion Water Company, Heritage Village Water Company |
| 39 | Plymouth | Connecticut Water Company |
| 40 | Prospect | Connecticut Water Company |
| 41 | Redding | Aquarion Water Company |
| 42 | Ridgefield | Aquarion Water Company |
| 43 | Roxbury | Aquarion Water Company |
| 44 | Salisbury | Aquarion Water Company |
| 45 | Seymour | Aquarion Water Company, South Central Connecticut Regional Water Authority |
| 46 | Sharon | Sharon Water Department |
| 47 | Shelton | Aquarion Water Company |
| 48 | Sherman | Aquarion Water Company |
| 49 | Southbury | Heritage Village Water Company |
| 50 | Stamford | Aquarion Water Company |
| 51 | Stratford | Aquarion Water Company |
| 52 | Thomaston | Connecticut Water Company |
| 53 | Torrington | Torrington Water Company |
| 54 | Trumbull | Aquarion Water Company |
| 55 | Warren | None |
| 56 | Washington | Aquarion Water Company |
| 57 | Waterbury | Waterbury Water Department |
| 58 | Watertown | None |
| 59 | Weston | Aquarion Water Company |
| 60 | Westport | Aquarion Water Company |
| 61 | Wilton | Aquarion Water Company |
| 62 | Winchester | Winsted Water Works |
| 63 | Wolcott | Wolcott Water Department |
| 64 | Woodbury | Aquarion Water Company, Watertown Fire District |

**TABLE E-2
 ESA HOLDERS AND ASSOCIATED ESA MAPS**

| ESA Holder | Municipalities Containing ESAs | ESA Map Number(s) |
|--|---|--|
| Aquarion Water Company | Beacon Falls, Bethel, Bethlehem, Bridgeport, Bridgewater, Brookfield, Cornwall, Darien, Easton, Fairfield, Greenwich, Kent, Litchfield, Middlebury, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norfolk, North Canaan, Oxford, Redding, Ridgefield, Roxbury, Salisbury, Seymour, Shelton, Sherman, Stamford, Stratford, Trumbull, Washington, Weston, Westport, Wilton, Woodbury | 3, 4, 5, 6, 7, 9, 14, 16, 18, 19, 21, 24, 25, 26, 27, 30, 31, 33, 34, 35, 36, 38, 41, 42, 43, 44, 45, 47, 48, 50, 51, 54, 56, 59, 60, 61, 64 |
| Bethel Water Department | Bethel | 4 |
| Bristol Water Department | Bristol, Burlington | 8, 10 |
| Connecticut Water Company | Beacon Falls, Burlington, Harwinton, Middlebury, Naugatuck, New Hartford, Oxford, Plymouth, Prospect, Thomaston | 3, 10, 23, 26, 29, 32, 38, 39, 40, 52 |
| Danbury Water Department | Danbury | 15 |
| First Taxing District of the City of Norwalk | Norwalk | 37 |
| Goshen, Town of | Goshen | 20 |
| Heritage Village Water Company | Oxford, Southbury | 38, 49 |
| Morris, Town of | Morris | 28 |
| New Fairfield Water Pollution Control Authority | New Fairfield | 31 |
| New Hartford Water Pollution Control Authority | New Hartford | 32 |
| South Central Connecticut Regional Water Authority | Ansonia, Cheshire, Derby, Seymour | 1, 12, 17, 45 |
| Sharon Water Department | Sharon | 46 |
| South Norwalk Electric & Water | Norwalk | 37 |
| Torrington Water Company | Burlington, Harwinton, New Hartford, Torrington | 10, 23, 32, 53 |
| Waterbury Water Department | Waterbury | 57 |
| Watertown Fire District | Woodbury | 64 |
| Winsted Water Works | Barkhamsted, Winchester | 2, 62 |
| Wolcott Water Department | Wolcott | 63 |

Banker, David

From: Margaret Miner <rivers@riversalliance.org>
Sent: Monday, May 08, 2017 5:48 PM
To: Banker, David; DLawrence@aquarionwater.com; russellposthauer@ccaengineering.com
Cc: tony@riversalliance.org; 'Mathieu, Lori'; Rivers Alliance
Subject: official message from Rivers Alliance.

Gentlemen of the Western WUCC. I and Tony have only recently had a chance to review the minutes of your last meeting. These minutes and Tony's notes raise questions that have been a concern since the outset of the present, expedited WUCC process. I apologize for not developing our questions in detail, but here's the gist.

MINUTES

"The ESA boundaries in the ESA Document [its name is "Document"?] will be treated as enforceable once submitted to DPH by the WUCC in June." [emphasis added]

What does "treated as enforceable mean"? When does it become actually enforceable? What will be enforced how? I have asked over and over whether WUCC agreements are more or less enforceable than water supply plans. No answer. I assume that you mean DPH will do the enforcing, but what are its exact authorities and available penalties. I have heard that the exclusive service area might be taken away -- would the utility care? Would customers be taken away? Can a sale be forced at this time? What if there is no buyer?

When, under the statute does an exclusive area become an Exclusive Service Area (ESA)? ESAs are not in the statute. There is no clear list of rights and responsibilities. I have read and hear various answers to this question, but most seem not founded in the statute. Donna Landerman in the Central WUCC raised questions that I am sure are shared by many. She was surprised to learn that she had an esa, much less an ESA. I have not met any legislator or town official (excluding COG people) who understand this esa/ESA situation at all. Most do not know what a WUCC is.

Page 3. Two issues. "requirement of an ESA holder to take ownership of new community water systems" and "right of refusal."

Is there a requirement for an ESA holder to take ownership? Or not? Under what circumstances can an ESA holder refuse to take ownership? Under what circumstances will the ESA holder have to be the manager of a system? Who gets to negotiate the terms of the agreement (how much you all get paid)? Can an ESA holder stall the development of a community system by a town or business or school by saying he wants to be the supplier but needs a year to prepare. How much can an ESA system manager charge the owner. Etc.

These are practical questions. For example, In the Carr development in Bridgewater, Carr says Aquarion will be the owner. I think Aquarion is saying it will be the manager. Who's correct? What if the complex is half built, has tenants, and the developer bows out? Who will have ownership of the system? Who will run it? Who will pay? The right of first refusal mentioned in the minutes is connected to these questions. Can an ESA holder refuse to be the supplier if the developer or town wants them to be the supplier? (Water utilities always say that they are *obligated* to serve anyone who asks, but where is this written?) To what extent can an ESA holder be forced to take over and run a problematic system? Etc.

Finally, I see that there was discussion of the Integrated Plan. That is where the WUCC is required to do the environmental assessment (including the assessments of problems and conditions only partially done so far). And the WUCCs have pledged to revise esa assignments and supply agreements if environmental conditions raise issues. So, would it be some time after the Integrated Plan is done that an esa would become actually enforceable instead of being treated as enforceable???

Thanks for your attention, Margaret

Rivers Alliance of Connecticut
7 West Street, POB 1797
Litchfield, CT 06759
Tel: 860-361-9349
Cell: 203-788-5161
<http://www.riversalliance.org>

Serving all the waters of Connecticut