

April 18, 2018

Water Utility Coordinating Committee Chairpersons
c/o Brendan Avery, Recording Secretary, Central WUCC, via email;
c/o Samuel Alexander, Recording Secretary, Eastern WUCC, via email;
c/o David Banker, Recording Secretary, Western WUCC, via email

RE: Comments on WUCC Integrated Reports

Dear Water Utility Coordinating Committee Chairmen and Members;

The Connecticut Department of Energy and Environmental Protection (DEEP) has completed its review of the Integrated Report. Thank you for the opportunity to participate in the WUCC process. DEEP is supportive of the WUCC planning process and the effort the utilities have put into developing the reports.

The Integrated Report makes a number of findings and recommendations, summarized in Table 12-1, which DEEP supports. In particular, DEEP encourages:

1. Refinement of the projected demands as new Individual Water Supply Plans are completed and can be incorporated into the overall projections. This would include refinement of the impacts of the Streamflow Regulations as more realistic impact analyses are included.
2. Further discussions and adjustments to the methodology for calculation of available water to meet MMADD, which could mitigate the apparent need for water in a number of systems across the state.
3. Use of interconnections to address supply deficits and increase system resiliency. However, it is also important to acknowledge the resiliency and environmental benefits of having multiple small sources.
4. Meeting with regulatory agencies early in the source development process and complete analysis of potential environmental impacts when developing new sources.
5. Continued coordination and work with the state agencies on drought management and water conservation to improve water efficiency.

Each regional WUCC report lists water utilities which are evaluating development of additional sources of supply, including regionally significant supplies. The overall analysis and scale are appropriate for the Integrated Report, but it should be noted that environmental and fisheries concerns have been raised for several of the sources mentioned that would factor into diversion permitting for those sources when proposed for development.

DEEP noted several items in the Integrated Report where clarification may be helpful, as follows (page numbers are from the Western Report):

1. Section 2-10, page 2-2, 2nd para: First of many times “water efficiency” is used in this document, however it is not defined or explained to any degree. Examples of efficiency should be included.
2. Section 2.3, page 2-13, 1st complete paragraph, 1st sentence: could be more explicit on what the “current process” is.
3. Section 2.4.1, page 2-14, last paragraph, last sentence: a short explanation on why warmer temperatures mean lower water quality could be added here.
4. Section 2.4.1, page 2-15, in-depth discussion of available water vs. safe yield seems out of place here in the climate change section. This would be more helpful in previous section 2.3, however, retain some basic concept of relation between climate change and safe yield here in 2.4.1.
5. Section 3.6, page 3-28, text box: Assumptions based on extrapolation of available data could easily under- or over-predict the effects of the regulations, that’s precisely why system-specific evaluations are necessary. This text box needs to be corrected.
6. Section 3.6, page 3-28, 5th and 6th bullet: Include brief explanation of “RGQ80” bioperiod reference, and insert “cfs” after flow rates.
7. Section 3.6, page 3-28: include mention of Waterbury being exempt due to Shepaug Reservoir flow plan.
8. Section 5.2.2 - May wish to add at end: In general, DEEP interconnection permitting considerations include 1) the overall need for, or ability to provide water for the interconnection based on individual water supply planning, 2) opportunity to increase water supply through decreased unaccounted for water and/or increased conservation in lieu of the requested transfer, 3) potential for environmental impact at the transfer source.
9. Section 7.4, page 7-4, second to last paragraph, second sentence, “...if the project is regulated by a federal agency, such as (USACE) **or (FERC).**” FERC added here as a possible trigger for 401 Water Quality Certification.
10. Section 7.4, page 7-5, second paragraph, first sentence, “...environmental groups can ~~pese~~ **petition** for restrictions on water supply development...”
11. Section 7.4, page 7-6, “The Connecticut Environmental Policy Act (CEPA) was used beginning in the late 1990s as a basis for intervention in a diversion permit application. The State Supreme Court, opening the door for the use of CEPA to oppose diversions, upheld this intervention.” Reference citation for court decision should be provided in footnote. The DEEP Legal Office hasn’t been consulted, however the diversion program is unaware of this specific precedence.

12. Section 8.0, page 8-1, 3rd para, "It is assumed that permits would not be issued for the development of a source where the yield is greater than 50% of the 7Q10 flow. While permit criteria varies depending on the resource, 50% of the 7Q10 is used ~~as~~ for planning purposes" (note typo). This criterion is too general. DEEP General Permit for Diversion of Water for Consumptive Use uses 5% of 99% durational flow as a cutoff for minimal environmental effect. Please at least explain the rationale, behind choosing this number.
13. Section 8.0, page 8-1, last para, 1st sentence: Diversion permits are not riparian rights – the permits allow reasonable use of the water, but do not constitute a "water right". A legal interpretation is not really appropriate in a planning document of this nature. We recommend striking this paragraph.
14. Section 11.1, page 11.1, 2nd to last para: "Competing uses must also be addressed, including the potential impacts on existing diversions, active and passive recreation, aesthetics, downstream waste assimilation, **archaeological resources**, and other downstream uses."
15. Section 11.2, page 11.3, "If the wellfield is completed in stratified drift, **and serves more than 1000 people**, the numerical modeling completed in accordance with the **Aquifer Protection Area Level A Mapping** regulations is used to predict the response of the aquifer and watercourses under different pumping scenarios."
16. Section 12.0, page 12-1, "These volumes of water are unlikely to be developed in the (?) or nearby the region." Missing something here.

If you have any questions on the above comments, please do not hesitate to contact me at (860) 424-3724 or corinne.fitting@ct.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corinne Fitting".

Corinne Fitting
Supervising Environmental Analyst
Division of Water Planning & Management
Bureau of Water Protection & Land Reuse

Cc: Lori Mathieu, Chief, DPH Drinking Water Section

