

Meeting Minutes
 Central WUCC Meeting #4
 Middletown City Hall – 245 deKoven Drive, Middletown, CT
 September 21, 2016 1:30 p.m.

The Central Water Utility Coordinating Committee (WUCC) met on September 21, 2016 at 1:30 p.m. at the Middletown City Hall at 245 deKoven Drive, Middletown, Connecticut. Notice of the meeting was sent to WUCC members and posted on the DPH website <http://www.ct.gov/dph>.

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

| WUCC Member Representative | Affiliation |
|----------------------------|---|
| Ken Skov | Aquarion Water Company |
| Joseph Ruzbasan | Avon Water Company |
| Jack Healy | Berlin Water |
| Ray Jaremy | Berlin Water |
| Mary Ellen Kowalewski | Capitol Region Council of Governments |
| David Radka | Connecticut Water Company |
| William Jarzavec | Cromwell Fire District |
| Bill Milardo | Town of Durham |
| Jim Ventres | Town of East Haddam |
| Tim Smith | East Hampton WPCA |
| Brendan Avery | Hazardville Water Company |
| Jonathan Avery | Hazardville Water Company |
| Donna Landerman | Juniper Club Water Company |
| Peter Hughes | Town of Marlborough |
| Dennis Waz | Meriden Public Utilities |
| David Banker | Metropolitan District Commission |
| R. Bartley Halloran | Metropolitan District Commission |
| John Mirtle | Metropolitan District Commission |
| Joe Fazzino | Town of Middletown |
| Guy Russo | Town of Middletown |
| Gil Bligh | Town of New Britain |
| Raymond Esponda | Town of New Britain |
| Rose Gavrilovic | Regional Water Authority |
| Rebecca Andreucci | South Central Regional Council of Governments |
| Jason Coite | UConn |
| Gene Roberts | UConn |
| Richard Meskill | Wallingford Water Division |

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

| Non-WUCC Member Representative | Affiliation |
|--------------------------------|--|
| Melissa Czarnowski | CT Department of Energy and Environmental Protection |
| Corinne Fitting | CT Department of Energy and Environmental Protection |
| Rich Iozzo | CT Department of Public Health |
| Lori Mathieu | CT Department of Public Health |
| Eric McPhee | CT Department of Public Health |
| Barrie Robbins-Pianka | Member of the Public |
| Jeanine Gouin | Milone & MacBroom, Inc. |
| Gail Lucchina | Public Utilities Regulatory Authority |
| Nick Neeley | Public Utilities Regulatory Authority |
| Judy Allen | Save Our Water - CT |
| Margaret Miner | Rivers Alliance |
| Charles Rothenberger | Rome Smith and Lutz |
| Valerie Rossetti | Save Our Water - CT |
| Martha Smith | West River Watershed Coalition |

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

1. Welcome & Roll Call

The meeting was called to order at 1:39 PM by Co-chair David Radka. A roll call was conducted in which everyone stated their name and affiliation.

2. Approval of July Meeting Minutes

The minutes from the August meeting were unanimously approved.

3. Review of Formal Correspondence

The following correspondence was logged following the August meeting of the Central WUCC:

- September 6, 2016 – Letter from the Central WUCC Co-Chair to representatives of CT DEEP, CT DPH, CT OPM, and CT PURA regarding consultation with state agencies on the Draft Preliminary Water Supply Assessment in accordance with CGS 25-33g(a).
- September 12, 2016 – Formal correspondence via email from Margaret Minor of the Rivers Alliance of CT expressing concern over the timing of evaluation of environmental issues; the language in the statutes of how ESAs are decided; and the process of sharing the Draft Preliminary Water Supply Assessment with only WUCC members before releasing it to the public.

- September 16, 2016 – Email correspondence from Judy Allen of Save Our Water CT expressing concern and requesting clarification on the confidentiality agreement between Milone & MacBroom, Inc. and DEP, as well as the cooperation between the WUCC and the Water Planning Council. Ms. Allen also asked several questions regarding the MDC Water Supply Plan and the confidentiality status through Homeland Security.

Discussion:

Since the letter from the River's Alliance was sent out to all three WUCCs, the Co-Chair suggested that a joint response is appropriate. There was a request for the WUCC to send a draft response to the members prior to releasing it to the public.

Jeanine Gouin of Milone and MacBroom, Inc. (MMI) responded to Ms. Allen's email, stating that MMI has a confidentiality agreement with the Department of Public Health, but that CDM Smith, the prime consultant working with the Water Planning Council, does not have a similar agreement. Ms. Gouin emphasized that MMI is able to share aggregate information with CDM Smith in a manner that does not divulge security-sensitive information but that is sufficient to inform the State Water Planning process. MMI's agreement with DPH extends to the MDC Water Supply Plan, thus, the information contained in MDC's plan is also available to MMI for use in the WUCC process.

Ms. Gouin stated that much of the data contained in the individual water supply plans will be made available through the water supply assessment, except it will not be location specific. Bart Halloran of the MDC specified that the Department of Homeland Security made the determination that the MDC Water Supply Plan has protected status. The question was asked "Can people walk into the Department of Public Health and get a water supply plan?" Lori Mathieu of DPH replied that since the terrorist attack on 9/11/01, all water supply plans are protected and DPH must adhere to the policy. Ms. Mathieu agreed to make a presentation at a future meeting about the statutes and policies with which DPH must comply under FOI.

David Radka of the Connecticut Water Company reminded those present that some aspects of Water Supply Plans are critical and some are not. The key is to figure out what is critical enough to keep protected and what is not critical, such that it can be released to the public.

4. Public Comment

Judy Allen of Save Our Water-CT stated the importance of climate change and how it should be factored into the WUCC planning process. Margaret Miner of the Rivers Alliance of Connecticut reminded those present that there are many people interested in the environmental impacts of the WUCCs. She listed individuals who signed the September 12, 2016 letter, a copy of which is available on the DPH website <http://www.ct.gov/dph>. Ms. Miner stated that the issue of environmental resources is of wide concern and the key point is that potential impacts should be evaluated before the ESAs are assigned.

5. Preliminary Water Supply Assessment Discussion/Vote to Release for Public Comment

Jeanine Gouin stated that a goal of the meeting was to approve the Preliminary Water Supply Assessment for release to the public such that the process stays on schedule. She went on to say that updated and/or corrected information has been provided from numerous WUCC members in

their review of the Draft Preliminary WSA. At least one of the Councils of Governments has sent out a survey to its member municipalities in order to provide a broad range of input to the process. Public comment will also be sought and is expected to provide additional input to the process.

In other commentary on the Draft Preliminary WSA, a request was made to include the DPH scores for small systems. David Radka suggested that the WUCC members should have some idea of what is wrong with the small systems if the WUCC wants to address those systems and their issues. PURA responded that they will be sending out a report on acquisitions, but they deferred to Lori of the Department of Public Health as to how to deal with these issues.

Lori Mathieu explained that the scorecards were a way of assessing who can manage their systems and who cannot. DPH received only two responses from small systems after the scores were sent out twice to each system. Some of the systems needed money and others just needed to be taken over. Ms. Mathieu indicated that she would like to see language in the WSA to address these problems.

Donna Landerman, a representative from a small system (the Juniper Club), confirmed that money is a problem and that it is very difficult to get people to pay attention. Getting people to volunteer to do the work is difficult and many people don't understand the true cost of clean drinking water.

Several comments received requested inclusion of data and/or mapping that MMI cannot include due to FOI restrictions. This list is available in the presentation on the DPH website <http://www.ct.gov/dph>.

Two internal review versions of the Draft Preliminary WSA have been shared with WUCC members. Comments from both the public and WUCC members will be accepted through the public comment period. At the October meeting, public, state agency, and WUCC member comments will be discussed and two additional review drafts of the Final WSA will be shared with WUCC members and comments accepted prior to final adoption of the document in December.

Discussion:

A motion was made to release the Preliminary WSA to the public followed by a second. Donna Landerman of the Juniper Club water system abstained from the vote. All other members voted in favor.

6. Certificate of Public Convenience and Necessity (CPCN) Process, Applications

Jeanine Gouin presented a summary of the CPCN process. The PowerPoint presentation is available on the DPH website <http://www.ct.gov/dph>. The statutes and regulations do not specify the process of how or when the WUCC approves or disapproves of a system. There is, however, a specific form for the WUCC to approve a new system. There are currently two proposed sites that are before the WUCC.

Discussion:

David Radka stated that a developer cannot get very far along in the CPCN process before coordinating with the WUCC via the Department of Public Health. If a developer wishes to build a

new system, the ESA holder may work with the developer make sure they follow proper construction standards, but there is no financial requirement on the part of the ESA holder to build the system. The ESA holder typically takes over the operation of the system and they are responsible for its operation. Contractors are empowered to reach out to the current ESA provider to assess whether it is feasible to extend a water main from an existing system. If this determination is not made in a timely manner, it can slow the process down considerably.

Gil Bligh of the New Britain Water Department suggested that a timeframe needs to be given for an ESA provider to provide water supply. An ESA provider should not be able to give an indefinite timeframe to extend a main to serve an area.

Jon Avery of Hazardville Water Company asked if a potential ESA provider signs on to the problems associated with the small systems within an ESA area when that area is assigned. Jeanine Gouin clarified that you cannot have overlapping ESAs. In other words, if a small system is located in an area claimed by a provider, the ESA surrounds the existing system and does not encompass it.

Donna Landerman asked if a small system fails, what happens? David Radka replied that there is a long process of either voluntary or involuntary takeover of assets in these instances. Ms. Landerman asked if there was an expectation that a larger system would take over for smaller companies that can no longer operate within their ESA and stated that if there was not, there should be.

A motion was made that the Co-chairs can act on all proposed systems that began the CPCN process prior to the convening of the WUCC. The resolution passed unanimously.

7. Discussion of the ESA Process, Next Steps

Jeanine Gouin presented a summary of the ESA process and timeline. The PowerPoint presentation is available on the DPH website <http://www.ct.gov/dph>. Ms. Gouin stated that ESA providers are not required to deliver water to everyone within their ESA regardless of cost. She noted that ESAs have been in existence since the late 1980s, with large areas that are not served by a public system. She noted that there are no water rights that come with ESAs and that the ESA holder must still obtain all required permits and approvals prior to developing a new supply source, including obtaining a Water Diversion Permit through CT DEEP, a process that is subject to public review. She indicated that there is no need to renegotiate the currently held ESAs unless there is a compelling reason to do so.

The Eastern WUCC has developed draft forms for declaring ESAs. The Central WUCC will review these forms and possibly use them going forward in order to be consistent with the other WUCCs. The draft forms will be distributed to members for review and discussion at the October meeting.

Ms. Gouin indicated that if a consensus is not reached on ESA boundaries, the process goes to PURA to mediate. If a consensus still is not reached, the process goes to DPH to make the final determination.

Ms. Gouin presented a proposed schedule with deadlines, a copy of which is available in the presentation posted on the DPH website <http://www.ct.gov/dph>. The proposed declaration requests are proposed for submission in December to enable preliminary ESAs by March.

A motion to issue notification of the commencement of the ESA process was put forward, seconded, and unanimously passed.

8. Other Business

There was no further business. David Radka adjourned the meeting at 3:38 PM. The next Central Region WUCC Meeting is scheduled for Tuesday October 25, 2016, location To Be Determined.

Respectfully Submitted,
Brendan Avery, Recording Secretary – Central WUCC