



**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF** : **APPLICATION NO. 202503528,  
202503535**

**NEW BRITAIN WATER DEPARTMENT,  
KENSINGTON FIRE DISTRICT,  
WORTHINGTON FIRE DISTRICT** : **FEBRUARY 27, 2026**

**HEARING OFFICER REPORT**

**I.  
PETITION FOR HEARING**

On October 6, 2025, the Office of Adjudications received a petition for a public hearing on the Notices of Tentative Determination to approve the above-captioned applications submitted by Kensington Fire District, Worthington Fire District, and New Britain Water District (“the Applicants”). The Petition was reviewed pursuant to Public Act 25-84, and the Office of Adjudications determined that this matter would proceed as an Informational Public Hearing. This report summarizes the public process that ensued.

**II.  
HEARING AND COMMENTS**

The Informational Public Hearing was held on January 14, 2026, at 5:00 PM via Zoom. Presentations were made by the Department of Energy and Environmental Protection (DEEP) and the Applicants. The deadline for written comments was January 21, 2026. On February 27, 2026, DEEP staff issued a Comment Response Memorandum, which can be found attached to this report (hereinafter “Attachment I”).

**III.  
CONCLUSION**



**Connecticut**  
Department of Energy &  
Environmental Protection

This is not a contested case, and no proposed or final decision on the permit issuance is required. This report confirms the conclusion of the informational hearing process concerning the above-captioned application.

A handwritten signature in black ink that reads "Kathleen W. Reiser".

Kathleen Reiser  
Hearing Officer

cc: Service List



## Attachement I

### Response to Public Comments Water Diversion Permit Applications for New Britain Water Department, Kensington Fire District, Worthington Fire District Applications Numbers: 202503528, 202503535

The Connecticut Department of Energy and Environmental Protection (“DEEP”) published a notice of tentative determination to approve the above-referenced permit applications on September 26 and September 27, 2025, respectively. In the applications, the New Britain Water Department (“NBWD”), Kensington Fire District (“KFD”), and Worthington Fire District (“WFD”) proposed for the modification of an existing permit to allow for an increase in the transfer of water and to propose a new diversion to transfer water from one service area to another. The public comment periods ended on October 26 and October 27, 2025, respectively. A petition for a hearing was received on October 6, 2025 related to both applications.

An informational public hearing was held on January 14, 2026. Verbal comments were received during that proceeding from Ray Jarema (petitioner), Arthur Simonian, Jeffrey Donofrio, Timothy Sullivan, and Representative Donna Veach.

Written Comments were received until January 21, 2026 (the close of the public hearing period). Written comments were received from Ray Jarema (petitioner), Representative Donna Veach, Berlin Town Council, Ryan Curley, Mark Kaczynski, Jack Healy, Liam Mitchell, Scott Bighinatti, and Timothy Sullivan. All comments are summarized below in *italics*. DEEP’s response to each follows.

**1. Potential mismanagement by the KFD and WFD:** *Some comments communicated that the KFD and WFD were mismanaged and that this was grounds to deny the permit applications.*

**Response:** DEEP’s statutes and regulations that govern whether a permit is issued list specific criteria by which applications are to be approved or denied. For permits of the type at issue, alleged mismanagement on the part of permit applicants is outside the scope of what DEEP is required or allowed to consider in making its determination whether to issue a permit. Furthermore, the KFD and WFD currently hold Diversion permits with DEEP and our records indicate that significant noncompliance does not exist due to a failure to manage the facilities as required by applicable permits.

**2. Concerns that the diversion permits are unnecessary in the Berlin distribution system:** *Specific concerns were raised about the impact of the*

*permitted diversions on the integrity and operation of Berlin's water distribution system.*

**DEEP Response:** DEEP is required by statute and regulation to ensure that certain activities are not performed without authorization in the form of a license or permit. Such permitting proceedings are narrow grants of authority through statute and limit DEEP's review of applications to distinct criteria and conditions. DEEP's permitting regime follows the processes established in law to make such authorizations. To the extent that the law requires Applicants to consider and address the potential impact of their proposed diversions on the Berlin water distribution system in their application materials, the Applicants have met that burden and the Department has determined that potential impacts have been addressed.

**3. Available water to support diversions:** *Some comments communicated that NBWD has appropriate safe yield for supply.*

**DEEP Response:** DEEP agrees that NBWD has the appropriate safe yield for supply and this was considered as an integral component of the application review

**4. Public Health and Safety Concerns:** *Some comments communicated concerns regarding public health and safety, specifically in relation to the integrity of the system infrastructure as well as the potential for dead-end conditions leading to diminished water quality and the impairment of fire protection.*

**DEEP Response:** DEEP's statutes and regulations that govern whether a permit is issued list specific criteria by which applications are to be approved or denied. For diversion permits specifically, public health and safety concerns with regard to treated water quality and fire protection are outside the scope of what DEEP considers in making its determination whether to issue a permit.

**5. Consideration of additional analyses:** *Some comments communicated concerns that there was no comprehensive presentation of hydraulic analysis. It was noted that Berlin is investing \$150k to conduct a study evaluating the future management of the KFD, WFD, and Berlin Water Control Commission (BWCC) and that issuing permits prior to completion and review of this study could complicate or undermine recommendations for long-term decision making. Other comments communicated that the reserve capacity for water and sewer for Berlin is considered for conservation and development planning purposes.*

**DEEP Response:** DEEP works within its statutory and regulatory authority to process permit applications and provide a timely decision regarding issuance of permits. While concerns regarding the above-mentioned hydraulic analysis are

related to the activities for which authorization has been requested under the applications at issue, the requirement to commence or the consideration of conclusions of such hydraulic analysis is not prerequisite to the issuance of the diversion permits. When the hydraulic analysis is conducted, complete, and available, the information may be reviewed as part of other related system-wide evaluations. With respect to the reserve capacity considerations, public water and sewer is available to both the WFD and KFD, so impacts with this regard should not affect conservation and development planning at this time.

**6. Decision statute considerations:** *Some comments communicated that the decision-making criteria specified in Section 22a-373 of the Connecticut General Statutes need to be considered. This statute requires that the Commissioner consider all relevant facts and circumstances, including, but not limited to the ten enumerated items in the statute.*

**DEEP Response:** DEEP's application review process is dictated by statute and regulation. The consideration of the criteria found at Section 22a-373 forms the basis of every single decision DEEP makes regarding Diversion permits. Having considered these criteria, as well as all other relevant facts and circumstances, DEEP has determined that the Applicants have demonstrated that the activities for which they seek permits, if conducted pursuant to the terms of the permits, are permissible under the laws of Connecticut.

For any questions regarding this matter, please contact Melissa Mostowy at (860)-418-5967 or [Melissa.Mostowy@ct.gov](mailto:Melissa.Mostowy@ct.gov).

2/26/2026

Date



Melissa Mostowy  
Melissa Mostowy, Environmental Analyst II  
Water Planning and Management Division  
Bureau of Water Protection & Land Reuse