

**Meeting Minutes**  
**Eastern WUCC Meeting #2**  
**Southeastern Connecticut Council of Governments – 5 Connecticut Avenue, Norwich, CT**  
**July 13, 2016 1:00 p.m.**

The Eastern Water Utility Coordinating Committee (WUCC) met on July 13, 2016 at 1:00 p.m. The meeting was held at the Southeastern Connecticut Council of Governments offices at 5 Connecticut Avenue, Norwich, Connecticut. Prior notice of the meeting was posted on the DPH website, Eastern WUCC webpage: <http://www.ct.gov/dph/cwp/view.asp?a=3139&q=576502%20>

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

<b>WUCC Member Representative</b>	<b>Affiliation</b>
Kenneth Skov	Aquarion Water Company
Craig Patla	Connecticut Water Company
Brad Kargl	East Lyme Water & Sewer
Raymond Valentini	Groton Utilities
Rick Stevens	Groton Utilities
Bob Sherwood	Jewett City Water Company
Brendan Avery	Jewett City Water Company
Jonathan Avery	Jewett City Water Company
Val Hornat	Laurel Loch Campground
Mike Cherry	Ledyard WPCA
Chris Clark	Mohegan Tribal Utility Authority
Brian Lynch	Montville WPCA
Samuel Alexander	Northeastern Connecticut Council of Governments
Amanda Kennedy	Southeastern Connecticut Council of Governments
Jim Butler	Southeastern Connecticut Council of Governments
Ed Monahan	Southeastern Connecticut Water Authority
Josh Cansler	Southeastern Connecticut Water Authority
Tom Seidel	Town of Franklin/SCCOG
Michael Murphy	Town of Lisbon/SCCOG
Robert Congdon	Town of Preston
Patrick Bernardo	Town of Putnam/SUEZ
Neftali Soto	Waterford Utility Commission
Jim Hooper	Windham Water Works
Mike Callahan	Windham Water Works
Paul Devery	Windham Water Works

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

Non-WUCC Member Representative	Affiliation
Melissa Czarnowski	CT DEEP
Corine Fitting	CT DEEP
Justin Milardo	CT DPH
Lori Mathieu	CT DPH
Dan Mullins	Eastern Connecticut Conservation District
Scott Bighinatti	Milone and MacBroom, Inc.
Terre Bombard	Northeast District Department of Health
Margaret Miner	Rivers Alliance of Connecticut
Meg Reich	Willimantic River Alliance

A copy of the meeting agenda is attached. A copy of the presentation given at the meeting will be available for download from the Eastern WUCC webpage.

The following actions took place:

**1. Welcome & Roll Call**

The meeting was called to order at 1:07 PM by Tri-chairs Robert Congdon (Town of Preston) and Pat Bernardo (Town of Putnam/SUEZ).

**2. Approval of June Minutes**

Mr. Congdon made a motion to approve the June meeting minutes as presented. Tri-chair Bernardo seconded the motion. The motion carried unanimously.

**3. Formal Correspondence**

Samuel Alexander (Northeastern Connecticut Council of Governments) stated that the Tri-chairs submitted two letters on June 27<sup>th</sup>, making notice of the beginning of the Water Supply Assessment process: one letter to the Connecticut Department of Public Health and one letter to WUCC members, municipal officials, and interested parties.

There was no other correspondence.

**4. Public Comment**

Margaret of the Rivers Alliance of Connecticut stated that the WUCCs are an extension of the Connecticut Department of Public Health and therefore a public agency that must comply with the Freedom of Information Act (FOIA). She asked if Freedom of Information Act-related complications could arise due to the requirements for a quorum in the Eastern WUCC bylaws. Ms. Miner suggested that the WUCC consult an attorney. Ms. Miner also asked for clarification on the process for establishing Exclusive Service Area boundaries, with particular concern regarding the modification of boundaries between two systems. Ms. Miner also stated that Milone & MacBroom’s Water Supply Assessment data does not appear to address environmental impacts, which was required under the 2014 public act.

- There was general concurrence that the WUCCs are a public agency.

- Discussion of the process for adoption and modification of ESA boundaries occurred later in the meeting.
- *Although not stated in the meeting, the comment regarding assessment of Environmental Impacts will be addressed within the public comments section of the Water Supply Assessment per the Procedures adopted in the Work Plan.*

Meg Reich of the Willimantic River Alliance stated that the service area map of the Eastern region presented on the board at the meeting is incomplete for Windham Water Works because it does not include Windham Water Works' service in Mansfield. Ms. Reich feels that the map should show this because there are many properties in Mansfield currently served by Windham Water Works, and noted that Mansfield lies within the Central WUCC.

- Jim Butler of the Southeastern Connecticut Council of Governments stated that Mansfield was not shown on the map because it is not in the Eastern WUCC region.
- Scott Bighinatti of Milone & MacBroom stated that regional Water Supply Assessments will be compiled into a Statewide Coordinated Water System Plan, which will address issues crossing WUCC boundaries such as the one noted by Ms. Reich.

## **5. Discussion and Approval of Work Plan**

The Tri-chairs turned the meeting over to Mr. Bighinatti who asked for a roll call. Everyone in attendance then stated their names and affiliations.

Mr. Bighinatti, using a presentation, began to describe the purpose of the Eastern WUCC Work Plan which was posted to the DPH website in "draft" mode. He noted that components of the work plan are specified in the regulations, but that other elements are inferred. The work plan was presented as a single document that combined the required elements and provided additional information useful to the process.

Mr. Bighinatti stated that the Work Plan must be adopted by the WUCC with any necessary revisions, and that the plan included bylaws, general procedures, a meeting schedule, process timeline, and communications plan.

Mr. Bighinatti described the bylaws, procedures, schedule, process timeline, and communications plan, the latter including the November 2015 Connecticut Water Works Association (CWWA) recommendations for data sharing.

Discussion of the work plan followed:

Mike Cherry of the Ledyard Water Pollution Control Authority agreed that the CWWA recommendations for data sharing were adequate, but stated that there is no reliable way of measuring the adequacy of Exclusive Service Area boundaries without using sensitive information.

- Mr. Bighinatti stated that projected demands would be available when determining Exclusive Service Area boundaries.
- Ms. Miner stated that as discussed at the Western WUCC meetings, Milone & MacBroom is able to view sensitive data because of a confidentiality agreement and that WUCC members are essentially treated as members of the public when it comes to sharing data between utilities. Ms. Miner stated that the public should have more access to information.

Mr. Congdon asked for a motion to adopt the draft Eastern WUCC Work Plan as final. A motion was made by Ed Monahan (Southeastern Connecticut Water Authority) and seconded by Jim Butler (Southeastern Connecticut Council of Governments) to adopt the Eastern WUCC Work Plan. The motion carried unanimously.

## **6. Water Supply Assessment Overview & Data Collection Feedback**

Mr. Bighinatti, using a presentation, began to outline the process for completing the Water Supply Assessment. Mr. Bighinatti stated that the Water Supply Assessment is a “high level” document that will utilize the CWWA recommendations for data sharing, and provided examples of the types of discussions the document will contain.

Mr. Bighinatti overviewed the Water Supply Assessment schedule, stating that a draft Preliminary Water Supply Assessment will be shared with members in August and the Preliminary Water Supply Assessment will be shared with the general public in mid-September. He encouraged Councils of Governments staff to discuss the document with their member municipalities at their monthly meetings and noted that comments are encouraged.

Mr. Bighinatti described the current data collection process relevant to the Water supply Assessment process and how that data is being collected.

Mr. Bighinatti turned the presentation over to Justin Milardo of the Connecticut Department of Public Health to discuss the Department’s draft Capacity Assessment Tool (CAT). A handout was passed to all in attendance.

Mr. Milardo stated that the CAT is an internal Department tool that is used to assess the technical, financial, and managerial capacity of small Community public water systems (those serving less than 1,000 people which are not part of a Water Supply Plan), and that draft capacity assessments were sent to those systems in June for review.

Mr. Bighinatti stated that the Department has minimal capacity data for some systems, and reminded the group that the current results are preliminary and reiterated that outreach is ongoing with system owners to correct the information. Overall, the data that was reported shows an optimistic trend for capacity with the majority of systems in each region having moderate or high capacity.

Discussion of the Water Supply Assessment and Data Collection process followed:

Val Hornat of Laurel Loch Campground asked how the data was compiled for the CAT.

- Mr. Milardo stated that Sanitary Survey and Department of Public Health data was used.
- Mr. Milardo cautioned that some small systems have reported that the capacity scoring may have been optimistic, and reiterated the need for caution in interpreting the preliminary results.
- Ms. Lori Mathieu (Connecticut Department of Public Health) noted that the department has been struggling with small system adequacy for many years and that this is a methodology which will be beneficial for targeting assistance to systems.

Ms. Reich noted that there was a discrepancy in the title of the CAT between the handout and the presentation.

- Mr. Bighinatti apologized that the presentation was incorrect and promised to correct the discrepancy for version of the presentation posted on the WUCC website.

Mr. Cherry asked if the CAT scores would be available on the Department's website.

- Ms. Mathieu stated that they will eventually be made available, but only after systems have a reasonable amount of time to comment on their assessment.

Ms. Hornat asked from where would the determination of the need for a small system to have a backup power generator come.

- Lori Mathieu of the Connecticut Department of Public Health stated that the Department would have that determining information.
- Ms. Hornat asked if Laurel Loch Campground is required to have a backup power generator.
- Ms. Mathieu stated that Laurel Loch Campground is not a Community system and therefore does not need to comply with the generator requirement, and also noted that the CAT does not apply to Laurel Loch. Ms. Mathieu stated that draft CAT data is used as a tool for assessing needs of small systems and that the map produced from CAT scores is useful for looking at regional trends.

## **7. Discussion of Current Issues, Needs, and Deficiencies in the Region**

Mr. Bighinatti began a discussion of the current issues and deficiencies related to the region's water supply. Mr. Bighinatti presented the identified issues, needs, and deficiencies presented in the four previous WUCC Water Supply Assessments summarized into five categories: planning, regulatory, small systems management, communication, and infrastructure.

- Mike Callahan (Windham Water Works) stated that he believed that all of the items presented were appropriate for discussion, although additional issues could be identified. He asked whether or not the WUCC would be prioritizing issues.
  - Mr. Bighinatti stated that the purpose of the Water Supply Assessment is to discuss the current status of systems and planning, and noted that prioritization of issues would occur as part of the Coordinated Water System Plan.
  - Ms. Mathieu stated that implementing prioritization would be the job of the WUCC following this process. Ms. Mathieu stated that previously, the former Southeastern WUCC prioritized and accomplished many of the top-10 issues in the region, with the assistance of the Council of Governments to implement a number of strategies.

Mr. Bighinatti began a discussion of potential goals and challenges for the Eastern WUCC.

- Ms. Hornat asked where suppliers could get information on training.
  - Mr. Bighinatti stated that the CWWA and the Connecticut Section of the American Water Works Association (CTAWWA) were resources.
- Ms. Reich stated that regional goals appear to concentrate on existing suppliers and systems. Ms. Reich noted that the protection of watersheds, particularly large watersheds such as that of Windham Water Works, is important. Specifically, encouraging low amounts of development and conservation of existing large protected watersheds will be a challenge but should be a regional goal.

- Mr. Cherry concurred, stating that Ledyard has a large watershed area and an Aquifer Protection Area, but that zoning is the only real land use control for the watershed area. Mr. Cherry asked what could be done to increase watershed protection and wondered if the WUCC process would provide a roadmap. He noted that many wells (bedrock) do not have Aquifer Protection Areas and asked if more can be done to protect such wells.
    - Mr. Callahan stated that his agency benefits from the health of the Natchaug River basin, that his and other agencies are advocates of a long outlook to watershed protection, and that a focus on long-term watershed planning, including the implementation of enforceable watershed inspections, is an important regional goal.
  - John Avery of Jewett City Water Company asked where his agency could obtain specific data regarding the CAT. He noted that this information was important for a utility deciding if it would like to claim an exclusive service area.
    - Mr. Bighinatti reminded the group that the data is not final and is subject to change.
    - Mr. Avery stated that if a larger supplier is absorbing a small community system, it is good for that supplier to know the risks associated with absorbing that small system.
    - Ms. Mathieu stated that the end goal is to make all data available, but that the Department has not yet received many replies from small systems regarding the CAT. She reiterated that she wants to give small systems a chance to respond.
    - Mr. Cherry stated that there are small areas of Ledyard supplied by Southeastern Connecticut Water Authority-run well fields, and asked if these areas could potentially encounter the same issues faced by small systems.
    - Mr. Monahan stated that larger utilities should investigate the possible issues of small systems before acquiring them.
  - Ms. Hornat asked if pesticides could potentially contaminate an aquifer.
    - Mr. Bighinatti stated that this could occur, and that this issue is tied to watershed management and that the WUCC could identify this as a potential regional challenge. However, he cautioned that it is difficult to regulate individual homeowner usage on private property.

Mr. Bighinatti asked if there were any other issues that members felt needed to be addressed in the region, related to planning, regulations, small systems management, communication, and infrastructure.

- Mr. Cherry stated that there is very little communication and knowledge overlap between utility planners and local planners, and that utilities often do not understand the towns' long-term plans, while planners do not understand the utilities' long-term plans.
  - Ms. Mathieu stated that a primary component of the Water Supply Assessment process deals with individual Water Supply Plans, which are shared with municipalities through regional councils of governments. Ms. Mathieu stated that utilities are required to inspect local, regional, and state plans of conservation and development as part of the Water Supply Plan process.
  - Ms. Reich stated that local plans of conservation and development are required to be consistent with the State plan of conservation and development but that local plans are, in fact, often inconsistent. Ms. Reich asked if there is a

relationship between the Statewide Coordinated Water System Plan and the State and local plans of conservation and development. Ms. Reich stated that perhaps legislation is needed to require review of the Coordinated Water System Plan when local plans are updated.

- Michael Murphy (Town of Franklin/SCCOG) asked if the resiliency of water systems to climate change and natural hazards was a relevant issue.
  - Mr. Bighinatti stated that resiliency is an issue that should be considered, providing an example of sea level rise potentially impacting shoreline wellfields.
- Mr. Avery asked if new attendees to WUCC meetings will be added to mailing lists.
  - Mr. Bighinatti stated that the Department of Public Health sends out formal notifications to the entire WUCC membership as well as interested parties and will continue to add new persons to the list, and that new sign-ins will be automatically added to Mr. Alexander's Active members/Interested Parties list for reminders, etc.
- Mr. Callahan stated that there are a large number of single-source suppliers and that there is a need for interconnections to regionally increase redundancy.
  - Mr. Cherry suggested that the single-source suppliers be viewed analogous to non-conforming uses under zoning, and that if a single-source supplier fails, there be incentive for a larger utility to absorb the system. He stated that for best results, the incentive should be in place before a system begins to struggle.
- Mr. Avery asked if there was any relationship between local regulations and public water systems, and if guidance is given to help small systems on the local or state level.
  - Mr. Cherry stated that local health departments provide some support to these small systems, such as taking samples and providing guidance.
  - Mr. Bighinatti indicated that most funding sources are at the state level.

Mr. Bighinatti asked if there were additional suggestions for regional goals and challenges.

- Ms. Reich stated that the Coordinated Water System Plan will be looking out at challenges through a 50-year planning period. She noted that much of the public does not understand the challenges of creating a new surface-water reservoir, and that the document should contain an explanation of this as new surface water supplies may be a regional solution.
  - Mr. Cherry asked if the process for creating surface-water supplies may be accelerated, and whether future watershed could be identified that would need greater protection.

Mr. Bighinatti thanked the participants for their comments which would be included in the Water Supply Assessment.

## **8. Introduction to ESAs & Discussion**

Mr. Bighinatti stated that the Tri-chairs requested an overview of the Exclusive Service Area process be included as part of the meeting. Mr. Bighinatti began to describe the process for establishing Exclusive Service Area boundaries as outlined in the Statutes and Regulations, using a presentation. He provided an example of a situation where two utilities may decide to modify their ESA boundary as it may be the most reasonable course of action for a development site. He noted that two utilities may modify their contiguous Exclusive Service Area boundary without a vote of the WUCC per the Bylaws, although a change between three or more utilities would need to come before the WUCC.

- Mr. Avery asked if it is possible for a potential developer to simultaneously pit two utility companies against one another, and if the WUCC may play the role as arbitrator in this scenario.
  - Mr. Bighinatti stated that this should not be possible due to the nature of Exclusive Service Areas. If the utility holding rights to the area can supply the water to a developer, they have that right unless they relinquish it to another, nearby utility company.
- Mr. Avery asked if the developer could appeal the Exclusive Service Area boundary to the WUCC.
  - Mr. Bighinatti stated that the developer could.
  - Ms. Mathieu and Brad Kargl (East Lyme Water & Sewer) stated that this has happened in the past.
  - Mr. Bighinatti stated that Tri-chairs could call a meeting to discuss such a grievance, if it were to occur.
- Ms. Reich asked if the establishment of Exclusive Service Areas took into account the lands laid claim by charters of utility companies.
  - Mr. Bighinatti stated that this item is required by Statute and Regulation to be considered in the process.

Mr. Bighinatti continued to describe the Exclusive Service Area process. He noted that because the Statutes and Regulations require that determination of Exclusive Service Area boundaries only take place after the Final Water Supply Assessment is completed, no voting on Exclusive Service Areas can occur before the December meeting. He encouraged the WUCC to consider the establishment of a subcommittee to determine the process and prepare the necessary forms and rubrics for considering Exclusive Service Area claims. Such a subcommittee could include WUCC members, members of the public, State Agencies, and other stakeholders. By starting soon it would allow several months for such a committee to consider a process for approval by the WUCC at a regular meeting.

- Mr. Cherry asked if there were portions of the Eastern WUCC for which Exclusive Service Areas have not been established.
  - Mr. Bighinatti stated that Exclusive Service Areas have not been established for the entire northern portion of the region, and noted that while the existing ESAs (which were established under an approved process) should largely remain unchanged, modifications could be made to the southern portion.

## **9. Other Business**

Mr. Bighinatti asked if any members had action items to add to the Agenda for the August meeting. There were none.

- Mr. Avery asked if August 10<sup>th</sup> was the date of the next meeting.
  - Mr. Bighinatti confirmed the date and that the meeting would be held at the Southeastern Connecticut Council of Governments.

Mr. Congdon asked for a motion to adjourn the meeting. A motion was made by Mr. Monahan from the floor and was seconded by Tri-chair Bernardo. The meeting was adjourned at 2:45pm.



Respectfully Submitted,

Samuel Alexander, Recording Secretary