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Sec. 25-33h-1. Coordinated water system plans

(a) Definitions

(1) “Areawide supplement” means a part of a coordinated water system plan which addresses areawide water system concerns pertaining to the public water supply management area which are not otherwise included in each water company’s individual water system plan. The supplement identifies the present and future water system concerns, analyzes alternatives and sets forth a means for meeting those concerns. An areawide supplement consists of a water supply assessment, exclusive service area boundaries, integrated report, and executive summary.

(2) “Commissioner” means the commissioner of the Connecticut department of health services.

(3) “Coordinated water system plan” or “coordinated plan” means (a) the individual water system plans of each public water system within a public water supply management area, filed pursuant to section 25-32d of the Connecticut General Statutes, and (b) an areawide supplement to such plans developed pursuant to public act 85-535 which addresses water system concerns pertaining to the public water supply management area as a whole.

(4) “Department” means the Connecticut department of health services or any duly authorized representative thereof.

(5) “Exclusive service area” means an area where public water is supplied by one system.

(6) “Municipal planning commission” means the municipal planning or planning and zoning commission established under general enabling act or special act.

(7) “Public water supply management area” or “management area” means an area for coordinated water supply planning determined by the commissioner of health services to have similar water supply problems and characteristics.

(8) “Public water system” means any private, municipal or regional utility supplying water to fifteen or more service connections or twenty-five or more persons.

(9) “Regional planning agency” means regional planning agencies as defined in section 8-31a through 8-37b of the Connecticut General Statutes, regional councils of elected officials as defined in section 4-124c through 4-124h of the Connecticut General Statutes, where such councils have undertaken to exercise the powers of a regional planning agency and regional councils of governments as defined in section 4-124i through 4-124p of the Connecticut General Statutes.

(10) “Satellite management” means management of a public water supply system by another public water system.

(11) “Shared” or “joint use facility” means water supply facilities, source of supply or equipment developed, funded, managed, owned or utilized by two or more public water systems.

(12) “User category” means metered residential, metered commercial, metered industrial, metered public authorities, unmetered residential, unmetered commercial, unmetered industrial, unmetered public authorities, and nonrevenue water. Residential shall include apartments and condominiums.

(13) “Water utility coordinating committee” or “WUCC” means a committee consisting of one representative from each public water system with a source of supply or service area within the public water supply management area and one representative from each regional planning agency within the public water supply management area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency.

(b) Initiation of the Planning Process

(1) The commissioner of health services, in consultation with the department of public utility control, the commissioner of the department of environmental protection and the secretary of the office of policy and management, shall delineate the preliminary boundaries of public water supply management areas and establish preliminary priorities for initiation of the planning process in accordance with the schedule established in public act 85-535.

(2) In accordance with the schedule established in public act 85-535, the commissioner shall delineate the final public water supply management area boundaries and establish final priorities for initiation of the planning process.

(3) After establishing final priorities, the commissioner shall convene in priority order a WUCC for each management area to implement the planning process.

(4) The department may enter into contracts with consultants to provide services to the WUCC in preparing the coordinated water system plan.

(5) The commissioner shall convene a WUCC by publishing a legal notice in the Connecticut newspaper having the largest daily circulation in the management area stating date, time and place of meeting and eligibility requirements for membership. Based on the department's currently available records, the department shall also mail a notice to each eligible WUCC member as defined in subdivision (6).

(6) Eligible WUCC members are as follows:

(A) One representative of each public water system which has either:

(i) A source of supply within the management area which is a source of potable water approved by the department, including reservoirs, wells, other water bodies and associated watershed land, or

(ii) A service area within the management area including areas where service is currently provided to customers or where a public water system has the authority to provide such service as determined by legal rights such as legislative franchises, municipal charters, or interlocal agreements for the sale of water.

(B) One representative of each regional planning agency serving at least one municipality within the management area as elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency.

(7) The department shall maintain and make available the list of eligible WUCC members developed pursuant to subdivision (6). Any regional planning agency or public water system which is not included on the membership list for a WUCC may petition the department to be included. Such petition shall include the following:

(A) Name and mailing address of the public water system or regional planning agency making the request;

(B) The management area in question; and

(C) A statement of basis for membership.

(8) Once a WUCC has been convened in an area, it is the department's responsibility to inform new public water systems which come to the department's attention of the existence of the WUCC and their eligibility.

(c) Responsibilities of the WUCC

(1) A WUCC shall meet in each public water supply management area to prepare a coordinated water system plan. The coordinated water system plan shall include the individual water system plan of each public water system within the management area, required pursuant to section 25-32d of the Connecticut General Statutes, and an areawide supplement that addresses areawide water system concerns pertaining

to the management area which are not otherwise included in each water company's individual water system plan.

(2) The WUCC shall implement the planning process established in public act 85-535. The planning process shall maximize efficient and effective development of public water supply systems and promote public health, safety and welfare.

(3) The work plan, meeting schedule, and committee rules and procedures shall be adopted by the WUCC as required. After the initial meeting convened by the commissioner, meetings of the WUCC shall be convened on a schedule determined by the WUCC which facilitates maximum participation of eligible members.

(4) The WUCC shall publish meeting times and agendas, and shall record and make available for public inspection minutes of meetings.

(5) Prior to beginning work on the water supply assessment, the WUCC shall provide notice to all eligible WUCC members, municipalities within the management area, and other interested persons that a preliminary assessment of water supply conditions and problems within the public water supply management area is being undertaken.

(6) Prior to beginning work on the exclusive service area boundaries, the WUCC shall also provide notice to all eligible WUCC members within the public water supply management area that preliminary exclusive service area boundaries are being developed and of their ability to participate.

(7) The WUCC shall solicit public comment and document responses to comments. The public comment period shall be a minimum of 30 days.

(d) Contents of the Coordinated Water System Plan

The coordinated water system plan shall include, but not be limited to, the following:

(1) The individual water system plan of each public water system within a public water supply management area, required to file such plan pursuant to section 25-32d of the Connecticut General Statutes; and

(2) An areawide supplement that shall address areawide water system concerns pertaining to the public water supply management area which are not otherwise included in each water company's individual water system plan. The areawide supplement consists of a water supply assessment, exclusive service area boundaries, integrated report, and executive summary. The areawide supplement shall include at least the following:

(A) Water Supply Assessment

A water supply assessment shall be developed to evaluate water supply conditions and problems within the public water supply management area. The WUCC shall prepare a preliminary and then a final water supply assessment. The water supply assessment shall be a factual and concise report including at least the following topics as they relate to public water systems in the public water supply management area:

(i) Description of existing water systems, including

(aa) History of water quality, reliability, service, and supply adequacy;

(bb) General fire fighting capability of the utilities; and

(cc) Identification of major facilities which need to be expanded, altered, or replaced.

(ii) Availability and adequacy of any future water source(s).

(iii) Existing service area boundaries and public water system limits established by statute, special act or administrative decision, including a map of established boundaries, and identification of systems without boundaries.

(iv) Present and projected growth rates, including population data, land use patterns and trends, and identification of lands available for development.

(v) Status of water system planning, land use planning and coordination between public water systems.

(B) Exclusive Service Area Boundaries

Based on the final water supply assessment, the WUCC shall establish exclusive service area boundaries within the management area delineating each public water system's future service area. The WUCC shall prepare preliminary and then final exclusive service area boundaries.

(i) In establishing exclusive service area boundaries, the WUCC shall:

(aa) Allow utilities to maintain existing service areas;

(bb) Not leave areas as unserved islands, unless it can be demonstrated that there is not and will be no future need for public water service; and

(cc) Not allow new service areas or main extensions which create duplication or overlap of services.

(ii) The following factors shall be utilized in determining exclusive service area boundaries:

(aa) Existing water service area;

(bb) Land use plans, zoning regulations, and growth trends;

(cc) Physical limitations to water service;

(dd) Political boundaries;

(ee) Water company rights as established by statute, special act or administrative decisions;

(ff) System hydraulics, including potential elevations or pressure zones; and

(gg) Ability of a water system to provide a pure and adequate supply of water now and into the future.

(iii) A plan for exclusive service areas within the public water supply management area shall be developed, including:

(aa) A map or maps at a scale of 1:50,000 depicting existing and future service areas within the exclusive service area boundaries.

(bb) A reference list of existing service area or supply agreements between public water systems or localities, including charter or enabling act revisions as applicable and a brief description of terms of agreement including dates and length of agreement.

(cc) Description of future service area boundaries.

(C) Integrated Report

An integrated report shall be developed which provides an overview of individual public water systems within the management area; addresses areawide water supply issues, concerns, and needs; and promotes cooperation among public water systems.

The integrated report shall contain at least the following:

(i) An areawide overview which integrates individual water system plans. This should include at least the following:

(aa) Population and consumption projections for 5, 20 and 50 year planning periods for the public water supply management area as a whole and for each municipality within the area.

(bb) Projected population, historical and projected water demand by user category for 5, 20 and 50 year planning periods for each public water system's exclusive service area and for the combined service areas.

(cc) Sources of supply, safe yield and amounts of purchased water available for 5, 20, and 50 year planning periods for each public water system's exclusive service area and for the combined service areas.

(dd) Determination of the amount and percentage of projected population within each municipality within the public water supply management area to be serviced by public water supplies for 5, 20 and 50 year planning periods.

(ee) Identification of areas not within exclusive service area boundaries and discussion of water supply alternatives. Attention should be given to existing and potential water quality problems, supply availability, population projections, and development potential.

(ii) Discussion of the relationship and compatibility of the coordinated water system plan with proposed or adopted land use plans and growth policies, as reflected in local, regional and state plans. Consideration should be given to both protection and development of public water supply sources and to availability of public water service.

(iii) Evaluation and identification in priority order of alternative water sources recommended to supply future areawide water system needs. Include appropriate ground or surface water studies, safe yield estimates and arrangement for development and delivery of the water supply.

(iv) Plans for any necessary interconnection of both raw and treated water between public water systems for both daily and emergency water supply use, which shall include:

(aa) A list and description of existing and future interconnections. Specify legal, technical and financial requirements for use and any source, hydraulic or contractual limitations for use. Identify source of supply, size, location, operating controls and management. Include a schedule for facility development, noting limitations to proposed development, and a schedule for negotiation of any new contract or renewal for sale or purchase of water.

(bb) Assessment of the need for and impact of potential interconnections between public water supply systems within the management area and with adjacent public water supply management areas.

(cc) Discussion and assessment of water quality compatibility between interconnections.

(v) A plan for joint use, management or ownership of services, equipment, or facilities, including:

(aa) A list of existing and planned shared or joint use facilities, together with documentation from the utilities involved outlining limitations on and arrangements and schedules for development, use, operation, and maintenance of such facilities.

(bb) Identification of services and equipment which could be made available to other utilities such as but not limited to leak detection and repair, and emergency equipment.

(vi) A plan for satellite management or transfer of ownership which shall include:

(aa) Identification of utilities which have both the ability and willingness to assume satellite management of another system or systems, whether within or outside the public water supply management area, and a map identifying areas within which the respective utilities will provide satellite management.

(bb) Identification of public water systems willing to have satellite management provided by another utility, or willing to transfer ownership to another utility.

(cc) Development of a water system satellite management program and schedule for its implementation.

(vii) Provisions for minimum design standards applicable to all water system improvements and all new public water systems within the management area. Any

minimum design standard established by a WUCC shall be at least as stringent as those standards recognized by the department.

(viii) Presentation of financial data as related to areawide issues such as interconnections, shared or joint use facilities, regional projects, and information not included in individual water system plans.

(ix) Consideration of the potential impacts of the plan on other uses of water resources, including water quality, flood management, recreation, hydropower, and aquatic habitat issues.

(D) Executive Summary

An executive summary shall be prepared by the WUCC to serve as an abbreviated overview of the coordinated water system plan for the public water supply management area. It shall be factual and concise, and shall summarize the major elements of the coordinated water system plan. The executive summary shall contain at least the following items:

(i) Maps at a scale of 1:50,000 of existing and potential service areas within exclusive service area boundaries identified in subdivision (d) (2) (B).

(ii) Maps at a scale of 1:50,000 of existing and future sources of public water supply, including watersheds, reservoirs, wells, stream diversions, treatment facilities, and shared or joint-use facilities including interconnections.

(iii) A brief summary of the water supply assessment for the public water supply management area.

(iv) A summary table of current and projected population, water demand by user category, and safe yield of existing and potential sources of supply for each exclusive service area and the public water supply management area as a whole.

(v) A brief summary of plans for interconnections, joint use facilities, and satellite management.

(vi) A summary of the potential impact of the coordinated water system plan on other uses of water resources.

(vii) Pertinent financial information.

(viii) Other factors deemed relevant.

(ix) A copy of the table of contents and lists of figures, tables, and maps contained in the full coordinated water system plan.

(e) Plan Preparation

In preparing the plan the WUCC shall utilize the following unless otherwise approved by the department:

(1) Population projections prepared by the Connecticut office of policy and management.

(2) The maintenance of an adequate margin of safety between supply and demand as approved by the department.

(3) Gallons as a unit of measure.

(4) Maps and graphs and other supporting materials as necessary.

(5) Five years from the time of plan preparation and 20 to 50 years from the last decennial census as the planning periods for projecting future demand and planning facilities to meet future water supply needs. The WUCC shall consult with the department as to the level of detail required in reference to each planning period.

(6) Safe yield information as calculated in accordance with section 25-32d-1 of the Regulations of Connecticut State Agencies.

(7) Watershed boundaries and drainage areas within basins as defined by the Connecticut department of environmental protection.

(f) Plan Submission

(1) The WUCC shall submit the following documents to the department in accordance with the following schedule:

(A) After soliciting and responding to comments from regional planning agencies, municipalities, state agencies, and other interested persons, a final water supply assessment shall be prepared. The final water supply assessment shall be submitted within 6 months of the first meeting.

(B) Preliminary exclusive service area boundaries shall be submitted within 9 months of the first meeting. The WUCC shall make the preliminary exclusive service area boundaries available for public review and comment.

(C) After soliciting and responding to comments from regional planning agencies, municipalities, state agencies, and other interested persons, final exclusive service area boundaries shall be established. The final exclusive service area boundaries shall be submitted within 12 months of the first meeting.

(D) If exclusive service area boundaries have not been established and submitted to the department within the time schedule established in subdivision (B), the WUCC shall provide to the department documentation that the WUCC has consulted with the department of public utility control, a summary discussion of unresolved issues, identification of persons affected by the conflict, and additional information as necessary. At the discretion of the commissioner, a hearing may be held to receive comment on exclusive service area boundaries. The department shall then establish exclusive service area boundaries in disputed areas in accordance with public act 85-535.

(E) The WUCC shall prepare a coordinated water system plan and solicit comments thereon in accordance with public act 85-535. The coordinated plan and copies of comments shall be submitted to the commissioner within 24 months of the first meeting.

(2) A request for an extended schedule shall be submitted in writing by the WUCC to the department. The request shall detail reasons for not meeting the required schedule, and propose a revised schedule. The request shall be submitted at least thirty days prior to the scheduled submission date. The department will review the request and may at its discretion approve a revised schedule for plan submission and consideration.

(3) The department shall inform the WUCC of any additional information which is necessary to comply with these regulations and shall develop a schedule for its submission. Copies of any additional information shall be submitted by the WUCC in the same manner as the plan.

(g) Plan Approval

After the WUCC has completed the coordinated water system plan, it shall submit the plan to the department for approval.

(1) The department shall publish legal notice in the Connecticut newspaper having the largest daily circulation within the management area of the existence and availability of the coordinated plan for public comment.

(2) The department in making a decision to approve or reject a coordinated water system plan shall consider at least the following:

(A) Ability to provide pure, adequate and reliable water supplies for present and projected future customers;

(B) Potential conflict over the use of such supplies;

(C) Adherence to public act 85-535;

(D) Extent to which the plan identifies water supply problems within the public water supply management area and provides solutions to those problems;

- (E) Consistency with local, regional, and state land use plans and growth policies;
- (F) Appropriateness of exclusive service area boundaries in relation to local, regional, and state growth policies, and the extent to which any areas are left as islands or areas isolated outside proposed exclusive service area boundaries;
- (G) Integration of public water systems, consistent with the protection and enhancement of public health and well-being;
- (H) Impact on other uses of water resources;
- (I) Extent to which minimum design standards are sufficient and appropriate;
- (J) Public comment;
- (K) Availability of alternate sources of water supplies;
- (L) Consistency with existing state agency regulatory programs and statutory requirements;
- (M) Compatibility with plans of other public water supply management areas;
- (N) Comments received from the department of environmental protection, department of public utility control, the office of policy and management, municipalities, regional planning agencies, local and regional health departments, or other interested persons; and
- (O) Any other factors deemed relevant.

(3) The department may, at its discretion, schedule a public hearing within the public water supply management area to receive public comment on a coordinated water system plan.

(h) **Plan Distribution**

The WUCC shall solicit comments and distribute copies of the plan and its components as follows:

(1) Water supply assessment and exclusive service area boundaries

(A) Submit three copies each of the preliminary and final water supply assessment and preliminary and final exclusive service area boundaries to the departments of health services and environmental protection and two copies each to the department of public utilities control and office of policy and management.

(B) Submit one copy each of the preliminary and final water supply assessment and preliminary and final exclusive service area boundaries to each regional planning agency and chief administrative official of municipalities within the management area.

(C) Mail written notice of the existence and availability of the preliminary water supply assessment and preliminary exclusive service area boundaries and the opportunity to comment thereon, to each municipal planning commission, local health official, eligible WUCC member and other interested persons within the management area.

(D) Mail written notice of the existence and availability of the final water supply assessment and final exclusive service area boundaries to the individuals listed in subdivision (1) (C).

(E) Provide one copy for public viewing to the department of health services and each regional planning agency with municipalities within the management area.

(2) Coordinated plan

(A) Submit copies of the coordinated water system plan to agencies listed in subdivision (1) (A).

(B) Distribute one copy of the executive summary of the coordinated plan with notice of the existence and availability of the complete coordinated water system plan and the opportunity to comment thereon to each chief administrative official of municipalities within the management area and to each regional planning agency

and chief administrative official with municipalities outside the management area in which a potential source of supply is located.

(C) Mail written notice of the existence and availability of the coordinated plan and the opportunity to comment thereon to the individuals listed in subdivision (1) (C).

(D) Submit three copies of the coordinated plan and copies of all comments received by the WUCC to the department of health services.

(3) Approved coordinated plan

(A) Submit copies of the approved coordinated plan to agencies listed in subdivision (1) (A). In addition three copies shall be submitted to each regional planning agency with a municipality within the management area.

(B) Mail written notice of the existence and availability of the approved coordinated plan to individuals listed in subdivision (1) (C) and to the chief administrative official of each municipality within the management area.

(C) Distribute a copy of the executive summary of the approved coordinated plan to individuals listed in subdivision (2) (B) if the department determines that there have been major modifications since the distribution of the executive summary of the draft plan.

(D) Maintain one copy of the approved coordinated plan for public viewing at the department of health services and each regional planning agency with municipalities within the management area.

(E) Maintain copies of revised sections or amendments to the plans for public viewing as outlined in subdivision (3) (D) and distribute revised sections or amendments in the same manner as the plan.

(i) **Plan Updates**

(1) The coordinated water system plan shall be reviewed and updated by the WUCC at least every ten years or sooner, if the WUCC or the department deems it necessary. If necessary, the commissioner shall reconvene the WUCC for management area for this purpose. The department shall inform the WUCC in writing of the section(s) of the plan requiring revisions and of the reasons such revision is necessary. Such revised plan shall be submitted within a reasonable schedule established by the department, and in accordance with procedures for developing a coordinated water system plan.

(2) The WUCC shall submit a revised plan or an amendment to an existing plan whenever the department determines that a significant component of an existing plan is no longer valid. A revised plan or amendment shall be prepared by the WUCC whenever exclusive service area boundaries are revised. A revised plan or an amendment shall be distributed in the same manner as the coordinated water system plan.

(3) If the boundaries of the public water supply management area are altered by the department pursuant to subsection (j) the WUCC shall update the coordinated water system plan accordingly.

(j) **Alteration of Public Water Supply Management Area Boundaries and Priorities**

(1) Once the final water supply assessment for a public water supply management area has been submitted to the department by the WUCC, the management area boundaries may not be altered until the coordinated water system plan is completed.

(2) Alteration of public water supply management area boundaries or priorities may be initiated by the department in accordance with the procedures and criteria for establishing boundaries and priorities.

(3) The coordinated water system plan shall be revised as necessary, due to alteration of public water supply management area boundaries, within six months of the date of such action, unless an extended schedule is approved by the department.

(k) **Plan Implemented**

(1) To the extent feasible, any permit issued by the department pursuant to chapter 474 of the Connecticut General Statutes shall be consistent with any approved coordinated water system plan.

(2) Water utilities are responsible for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance within their exclusive service area boundaries within a reasonable time frame. This may include but not be limited to development of supply sources, main extensions, or satellite management.

(3) No public water supply system may be approved within a public water supply management area after the commissioner has convened a WUCC unless an existing public water supply system is unable to provide water service or the WUCC recommends such approval.

(4) All individual public water supply plans submitted pursuant to section 25-32d of the Connecticut General Statutes shall be consistent with all applicable approved coordinated water system plans.

(5) Unless otherwise approved by the department, all new public water systems and system improvements within a management area for which a coordinated water system plan has been approved shall conform to or exceed minimum design provisions developed by the WUCC.

(Effective June 24, 1986)