

TO: Eric McPhee, DPH

RE:: Winsted-Barkhamsted Water Line

Goes to Eric @ dph.sourceprotection@ct.gov

FROM: Margaret Miner

DATE: 12/27/2022

Comment in red are from Jim Rollins, Winsted Water Works.

Comments in blue are from Don Stein, Barkhamsted First Selectman

Thank you for the opportunity to submit comments on the proposal for a water line extension from Winsted (Winchester) to Barkhamsted as announced with a Scoping Notice in the Environmental Monitor of the of the Council on Environmental Quality. Funding for the extension has been assured by s state grant to Barkhamsted. The announced intention of the extension is positive, especially the intention to use the newly available water in Barkhamsted for affordable housing. But the application itself is only for a water pipe to a single spot, with no details on connections or distribution included. The Notice does list the number of buildings and units planned for the affordable housing. But, overall, the Notice is missing important information on volumes, timetables, required permits, financial commitments, and so on. As such, the application is incomplete.

Here is the project description in the Scoping Notice:

***Project Description:** This 2022 STEAP (Small Town Economic Assistance Program) grant is to fund the extension of waterlines from Winsted into Barkhamsted. Initially, the plan is to service the shopping center, but similar to the sewer lines, the lines will be sized to provide water to the homes along Old North Road, plus the affordable housing development when it is complete (initial build will be 20 units in 4 buildings that will include a mix of 1, 2 and 3-bedroom apartments).*

Here is an important caveat in the notice:

The specific request for funding under the STEAP grant is for the installation of the water piping to a point behind the shopping plaza. The cost of running the pipes from the end point to the plaza and to the housing development will be the responsibility of those entities.

(Note: The “housing development” will be responsible for running a line to its location?? What is the housing development? Who writes the check? Will the residences along Old North Road face similar costs? **The existing residences will be responsible for all costs to connect to the new water main, when the time comes.** How many residences? Do the homeowners have to tie in whether they want to or not? **The residences do not need to connect to the water main UNTIL their wells fail or require significant improvements, such as hydrofracking...** How much water is needed for what purpose? **Assume 100 gallons per person per day for houses. Each business has different needs which need to be determined by them. Fire flow is another purpose.** **The affordable housing that is planned is a 20-unit apartment complex composed of 1, 2, and 3-bedroom apartments spread out in four garden-style apartments. The development is**

wholly owned and being financed by the Barkhamsted Housing Trust, Inc., (BHT) a 501 (c)3 non-profit, who will also operate it. There are 10 homes in the area from the town line to the likely path of the water line to the affordable housing.

In order to find vital information not in the Scoping Notice, I reviewed a number of relevant documents, including the 2022 Interlocal Agreement on water supply between Winchester and Barkhamsted (thank you for forwarding it). I had little luck in finding more information on exactly what the towns intended, what would be involved in water-use arrangements to meet those intentions and, very important, information on sort of binding commitment to implement the announced intentions. For example, the creation of affordable housing is cited in relevant documents as a project that requires public water and that Barkhamsted intends to build if it gets the water. This intention certainly is an attractive feature of the application. But is implementation guaranteed? The applicants might ask what difference it makes how the water is used -- shouldn't there be flexibility? Yes, but only to a point. From a policy perspective, it makes a difference whether a grant of public money is going to a high state priority, such as housing, or some less desired purpose, such as a driving range. [The STEAP grant was provided to the town with a requirement for town cost share and is specific to bring the water lines from Winsted in to Barkhamsted. The primary purpose is to service the existing shopping center, which is an important economic driver to the town, and which needs the water to stay in business. The second use is for the proposed affordable housing development by the BHT. Additionally, the homes along that route can take advantage of the water \(and sewer\) if and when they wish. All of the engineering that sized the flows was based on this combination of uses, including necessary fire protection.](#)

Winchester/Winsted ("Winchester" minutes of August 14, 2018, clarify that the interlocal water agreement under discussion will be a new update of a 15-year agreement put in place in 2002 and previously updated in 2011. The agreement covered water and sewer. [There are separate agreements for the water and sewer, not a single document.](#) The sewer extension apparently has been completed satisfactorily. The details were unclear as to what the water agreement would specifically support, what permits might be needed, what the costs might be, and so on. [The Town had planned to fund the water line extension from ARPA funds, but once the STEAP grant was received, the plan was changed. The STEAP grant and the agreement are unrelated.](#) Evidently a new agreement was needed for water and for the STEAP grant. The new agreement and the grant came forward fairly close together in 2022. Descriptions of the project and the commitment to it are more informative but still lacking detail.

The 2022 Interlocal Agreement is for a 10-year period. [The interlocal agreement only expires if the Barkhamsted system is NOT constructed.](#) It fills in some of the information missing from Scoping and also raises some questions on its own.

The Agreement states that the volume of water that Winchester is to make available to Barkhamsted is to be sufficient "to meet customer demand" but not to exceed 100,000 gpd. The towns share costs for necessary easements. Neither the town nor any private citizen can tie into the system without the express consent of Winchester. [This is because Winsted Water Works needs to be sure all the water regulations and health codes are being followed before approving a new connection. Exactly as would be done in Winsted.](#) The exact outcome of the grant and project are dependent upon a tie-in by tie-in approval. If only for this reason, it would be helpful to have more information about the individual proposed connections: that is information on who will be using them (generically), in what volumes (approximately), when the use is expected to

begin, will it be mainly seasonal, and so forth. What kind of tie-in is Winchester concerned might need a veto? **Winchester's intention is not to veto a tie-in, Winsted Water Works needs to be sure all the water regulations and health codes are being followed before approving a new connection. Exactly as would be done in Winsted.** Later in the Agreement (item 8) Winchester reserves the right to review commercial and industrial applications from potential customers. This implies that the two towns cannot at this time specify who the customers may be. **Correct, even if we could, things change over time, as do codes and regulations.**

The Agreement in the section on the responsibilities of Barkhamsted also addresses requirements for Barkhamsted to adopt water use regulations and install flow meters as needed **Yes, their regulations need to be consistent with Winsted's, and flow meters are required for billing purposes, and to encourage water conservation.**

The Agreement and the Scoping Notice:

Information in the Agreement should be incorporated into the Scoping Notice. Other related questions are the environmental, health, and supply benefits to both parties.

On the basis of water-plan documents and help from DPH, one can estimate that Winchester has water to sell without risking the adequacy of its own supply. But exact numbers are missing. **Winsted Water Works 2008 Water Supply Plan lists 3.12 million gallons per day as the system's safe yield. The system currently averages around 800,000 gallons per day.**

What is the volume of Winchester's "excess" water and how is this calculated? **3.12mgd safe yield minus 800k gpd average usage equals 2.32mgd excess water.** What percent is the 100,000 gpd? **100,000 gpd is 4.35% of Winsted's excess water.**

Is this water a set-aside that must be taken into account when calculating Winchester's available water and margin of safety? **See above.** Must the set-aside be recorded now or when there is a commitment to buy and use the water or when the water is actually being transferred? **It was factored in prior to drafting the interlocal agreement.**

Should some of the terms of the Agreement be guaranteed in a contract? **The agreement is the contract.** Suppose in ten years (the term of the contract) **The contract/interlocal agreement only expires in 10 years if the system has not been extended into Barkhamsted. Once the water is flowing, the agreement is permanent.** Barkhamsted has only arranged tie-ins for 30,000 gpd -- projects are still pending? Does this affect Winchester in any way? **No.**

It should be clear in the Scoping that this is a financial agreement for the sale of water. The details could be covered by including the Agreement as a reference.

The Scoping Notice provides a link to the STEAP grant that will fund the extension from Winchester up to the point where Barkhamsted is supposed to extend the system. The grant is \$335,845.

I do not see anywhere a binding commitment on Barkhamsted to do anything more. The town can reasonably ask: Why would we go to the bother of installing a water line and then not connect to it? One answer might be that the town's sincere and realistic intentions to use up to 100,000 gpd for the projects discussed might be thwarted by unforeseen circumstances. I see in town minutes that the owner of the shopping center is ready to connect and start using the water. But it is not clear if the money and other necessities are available for this and other developments in the near future. It is possible that Barkhamsted is counting on additional state

help going forward. If this is the case, I believe it should be reflected in the Scoping. Barkhamsted is not counting or expected to apply for any additional State funding. The STEAP grant is a commitment to the Town and the agreement between the two towns stipulates the relationship and actions required.

Let me say again. On the basis of the information I have reviewed, I have no reason to oppose the plan for Winchester to convey water to Barkhamsted for the use of new customers, including the mall, residential housing, and affordable housing. I support the plan, which is stated as an intention to fill a verifiable need. The mall and the affordable housing stand out as probably urgent (not emergency) projects. These are urgent projects and the availability of the public water is consider to be critical to the success of both. I'm not sure what point is being made here, since the Town is not applying for any additional public support. We will meet public health and environmental standards and the requirements from Winsted to connect to their water supply.

But the Scoping Notice lacks the basic details on which the public or any reviewer could make a judgement on the public benefits of the project. It also lacks a clear commitment to using the grant to create the intended benefits.

No doubt, the Scoping Notice could be elaborated to resolve some or all of my questions. I am not sure what the process is to do this, but I believe it should be done.

Thank you for your attention and responsive approach.

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