

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

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IN RE:

ALTERATION OF THE BOUNDARIES OF
THE PUBLIC WATER SUPPLY MANAGEMENT MAY 15, 2014
AREAS AND THE INITIATION OF THE
WATER UTILITY COORDINATING
COMMITTEE PLANNING PROCESS

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BEFORE: KATHRYN KEENAN, HEARING OFFICER

HEARING RE: PUBLIC WATER SUPPLY
MAY 15, 2014

1 . . .Verbatim Proceedings of a public
2 hearing before the State of Connecticut, Department of
3 Public Health, in the matter of the alteration of the
4 boundaries of the public water supply management areas
5 and the initiation of the Water Utility Coordinating
6 Committee planning process held on May 15, 2014 at 10:00
7 a.m. at the Brookfield Town Hall, 100 Pocono Road,
8 Brookfield, Connecticut. . .

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12 HEARING OFFICER KATHRYN KEENAN: Good
13 morning. Today is May 15, 2014. We are at the Brookfield
14 Town Hall located at 100 Pocono Road in Brookfield,
15 Connecticut and it is approximately 10:00 a.m. My name
16 is Kathryn Keenan and I have been appointed by the
17 Commissioner of Public Health to serve as Hearing Officer
18 for this morning's proceeding. With me today are Lori
19 Matthew, the Public Health Section Chief of the
20 Department of Public Health's Drinking Water Section;
21 Eric McFee, a supervisor in the DPH Drinking Water
22 Section and Justin Milardo and Rich Iozzo, staff of the
23 Department of Public Health's Drinking Water Section.

24 The purpose of today's public hearing is

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1 to receive public comment on the Commissioner of Public
2 Health's preliminary alteration of the boundaries of the
3 public water supply management areas and priorities for
4 initiation of the Water Utility Coordinating Committee,
5 also known as the WUCC planning process. If you wish to
6 make public comment today, and you haven't already done
7 so, please sign up on the sign-up sheet located by the
8 door. I will call persons who wish to provide public
9 comment up to the podium in the order that they appear on
10 this list.

11 I have reserved the right to limit the
12 comments of any speaker in the interest of moving today's
13 hearing along. Questions will not be entertained during
14 the public hearing.

15 As stated in the notice of hearings dated
16 April 15, 2014, pursuant to Section 25-33e of the
17 Connecticut General Statutes and Section 25-33h-1(j) of
18 the Regulations of Connecticut State Agencies the
19 Commissioner of Public Health, in consultation with the
20 Public Utilities Regulatory Authority, the Commissioner
21 of Energy and Environmental Protection and the Secretary
22 of the Office of Policy and Management has preliminarily
23 altered the boundaries of the public water supply
24 management areas, originally delineated by the

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1 Commissioner almost 30 years ago in 1985, as well as the
2 priorities for initiation of the WUCC planning process
3 established in Sections 25-33f to 25-33h of the
4 Connecticut General Statutes.

5 The preliminary altered boundaries can be
6 seen on the large map to my left, and as an attachment to
7 the April 15, 2014 notice of hearings. The preliminary
8 altered priorities established are first the northeastern
9 WUCC, second the western WUCC, third the central corridor
10 WUCC and fourth the southeastern WUCC. In making such
11 preliminary alteration of the boundaries, the
12 Commissioner of Public Health considered the following
13 factors: One, the similarity of water supply problems
14 among water companies operating in the preliminary
15 management area, population density and distribution in
16 the area, the location of existing sources of public
17 water supply service areas or franchise areas. Four,
18 existing interconnections between public water systems;
19 five, municipal and regional planning agency boundaries;
20 six, natural drainage basins; seven, topographic and
21 geologic characteristics and eight, any other factors she
22 deems relevant.

23 In preliminarily altering the priorities,
24 the Commissioner of Public Health considered the

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1 existence and severity of the following in each
2 management area. One, uncoordinated planning; two,
3 inadequate water supply and three, unreliable water
4 service.

5 We have one document currently in the
6 record and that is a letter dated May 8, 2014. It's from
7 Mr. Gilbert J. Bligh, Chairman of the Upper Connecticut
8 WUCC and it was sent to me, Kathryn Keenan, Hearing
9 Officer, and it's one page. Any other documents received
10 today will also be added to the record. Please note
11 there is a second public comment hearing scheduled for
12 10:00 a.m. on Monday, this coming Monday, May 19, 2014 at
13 the Southeastern Connecticut Council of Governments
14 located at 5 Connecticut Avenue in Norwich, Connecticut.

15 In addition, we are keeping the record
16 open to receive additional public comments, written
17 public comment until Friday, May 23, 2014. Nothing will
18 be added to the record after that date.

19 Following the conclusion of the public
20 hearings and the public comment period, all written and
21 oral public comment will be reviewed, incorporated into
22 the public record and taken into consideration in
23 preparing the final alteration of the boundaries of the
24 public water supply management areas and priorities for

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1 initiation of the WUCC planning process.

2 Before we begin receiving public comment,
3 I ask that you please turn off your cell phones during
4 the proceeding. At this point, I would like to hear
5 public comment. As a reminder, this hearing is only
6 intended for public comments to be submitted on the
7 Commissioner of Public Health's preliminary alteration of
8 the boundaries of the public water supply management
9 areas and priorities for the initiation of the WUCC
10 planning process.

11 The first person on the list is First
12 Selectman Barlow.

13 MR. RICHARD BARLOW: Good morning. My name
14 is Richard J. Barlow. I'm the First Selectman of the Town
15 of Canton. I am here to offer testimony on behalf of the
16 Farmington Valley Collaborative, which is a collaboration
17 of first selectman and town administrators in the towns
18 of Barkhamstead, Canton, Avon, Burlington, Farmington,
19 Simsbury and Granby and East Granby.

20 The Farmington Valley Collaborative is
21 opposed to the alteration of the public water supply
22 management areas as proposed on the notice of public
23 hearing from the Commissioner of Health dated April 15,
24 2014. Pursuant to the enabling Connecticut General

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1 Statutes, the Commissioner in making such alterations is
2 required to consider the following factors. I've
3 indicated those in my testimony, but the Hearing Officer
4 has already read them so I won't pursue those other than
5 to say that natural drainage basins and topographic and
6 geologic characteristics are included in that list.

7 The public notice included a map of
8 Connecticut containing the altered boundaries. The
9 Department of Health was provided -- has provided no
10 supporting background information to explain how the
11 proposed altered boundaries were developed or evaluated
12 in accordance with the statutory criteria. In fact, this
13 morning I just heard the Hearing Officer indicate that
14 inadequacy of supply was considered, but nowhere was that
15 shown in any of the documents I've been able to have
16 access to at this point in time.

17 In fact, at a meeting of the Upper
18 Connecticut River Water Utility Coordinating Committee,
19 held at the New Britain Water Company on May 1, 2014,
20 staff from the Department of Health could not identify
21 how the new boundaries had been developed. To date, in a
22 response to a FOIA request for such information, the
23 Department has only responded to the FOIA request as
24 being evaluated to determine if such information is

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1 discloseable.

2 Pursuant to the applicable Connecticut
3 General Statutes, the Commissioner of Public Health is
4 required to develop alterations to boundaries in
5 consultation with the Secretary of Policy and Management
6 and the Commissioner of Energy and Environmental
7 Protection. The Commissioner provided notice to these
8 individuals by a letter dated April 17, 2014 which is
9 about the time the public notice was issued. There has
10 been no information provided to the public regarding any
11 responses from these two agencies.

12 Absent such information, the ability of
13 the public to comment on the proposed boundaries is
14 hampered. Interestingly, copies of the April 17, 2014
15 letters to the Secretary and Commissioner provided by the
16 Department of Health state that the recent realigning of
17 the Regional Council of Government (COG) boundaries
18 coupled with an analysis of the existing network of
19 public water supply systems and major river bound basins
20 has led the DPH to propose consolidation of current
21 WUCC's in several areas of the state.

22 That information would have been helpful
23 to the public to have access to this analysis before
24 being required to testify at the public hearing. What

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1 consideration was given to the other criteria required by
2 law?

3 In a discussion with the Hearing Officer,
4 I was advised that the public hearing was simply to seek
5 public input on altered boundaries. If that was the
6 case, why did the public notice and the letters to OPM
7 and DEEP include recommended boundary changes?

8 The proposed boundaries, as presented, are
9 flawed in that they have removed the Farmington River
10 towns of New Hartford, Barkhamsted, Colebrook and
11 Hartland, presently in the existing Upper Connecticut
12 WUCC, from the proposed Central Connecticut Corridor WUCC
13 containing the remainder of the Farmington Valley River
14 basin towns. These towns share topographic and geologic
15 characteristics and are in the same drainage, natural
16 drainage basin as the other Farmington River watershed
17 towns.

18 In addition, the towns in the eastern
19 portion of the proposed Central Connecticut Corridor are
20 within the Thames River basin, but they were moved into
21 the Central Corridor. The Housatonic and Thames basins
22 have been divided north and south which defies the
23 statutory criteria to be used in the establishing WUCC's.
24 Many of the towns in the western and southern portions of

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1 the proposed new Western Connecticut WUCC are located in
2 the Naugatuck River/Housatonic River/Quinnipiac River
3 basins. These towns do not share similar criteria to the
4 Farmington River/Connecticut river basin towns that were
5 relocated into the Western Connecticut WUCC.

6 The reality is that the political
7 subdivisions established by the COG realignment are
8 significantly less pertinent than the characteristics of
9 the various watersheds.

10 For the above reasons, I respectfully
11 request that the Commissioner of Public Health suspend
12 the public hearing process until such time as adequate
13 information on the DPH's proposal and the responses of
14 the state agencies have been made part of the public
15 record in order that the public may be better informed
16 prior to providing testimony.

17 Thank you.

18 HEARING OFFICER KEENAN: Thank you. Next
19 on our list is Kenneth Skov.

20 MR. KENNETH SKOV: Hi. I'm Kenneth Skov.
21 I'm manager of Water Resource and Infrastructure Planning
22 at Aquarion Water Company. And we are going to be
23 submitting written comment, but I did want to speak today
24 also.

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1 Basically, the placement of the City of
2 Shelton in the proposed Central Connecticut Corridor of
3 WUCC does not make sense to Aquarion, especially
4 considering the factors which are required to be
5 considered pursuant to Connecticut General Statutes 25-
6 33e(a). Shelton is part of the Aquarion's Greater
7 Bridgeport system and has existing sources of public
8 water supplies that supply that system. However, the
9 proposed WUCC boundary change will separate the supply
10 from the area it serves. It would be difficult, if not
11 impossible, to do water supply planning for Aquarion's
12 Greater Bridgeport system without inclusion, without the
13 inclusion of Shelton.

14 Shelton is also located on the west side
15 of the Housatonic River and thus separated from all of
16 the other towns in the proposed Central Connecticut WUCC
17 which are located on the east side of the Housatonic.
18 Also, Shelton is the only town that is currently in the
19 southwest WUCC that is proposed being moved to the
20 proposed Central Connecticut Corridor WUCC.

21 Anyway to summarize, the Aquarion Water
22 Company believes that the City of Shelton should be
23 located in the proposed Western Connecticut WUCC.

24 HEARING OFFICER KEENAN: Thank you very

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1 much. The next person is Eileen Fielding.

2 MS. EILEEN FIELDING: Thank you. I'm
3 Eileen Fielding, Executive Director of the Farmington
4 River Watershed Association. These are preliminary
5 remarks about some concerns we have. We'll follow this up
6 with written testimony.

7 The Farmington River Watershed Association
8 is a non-profit citizen's group and its mission is to
9 preserve, protect and restore the Farmington River and
10 its watershed. So, our interest in water resources goes
11 beyond drinking water. We're really interested in
12 maintaining the function and quality of river systems as
13 a whole.

14 So, looking at the proposed new boundaries
15 we have a couple of concerns. One is that the Farmington
16 basin in this plan is now divided into the Western
17 Connecticut and the Central Connecticut WUCC's and those
18 are both larger areas. And so, what we have the concern
19 with is that this can pave the way for the abundant
20 surface drinking water resources in the Farmington Valley
21 to be distributed into two much larger areas and thus put
22 undue demand on a river system that really has multiple
23 uses.

24 So, going forward we would also like to

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1 know more about the criteria that were used for setting
2 the boundaries. And we are somewhat concerned that this
3 decision for the boundary changes might prematurely limit
4 decisions to be made later on in the state water planning
5 process. And, as I said, we'll follow up with more
6 remarks.

7 Thank you.

8 HEARING OFFICER KEENAN: Thank you. The
9 next person is Aaron Budris.

10 MR. AARON BUDRIS: I'm with the Central
11 Naugatuck Valley Council of Governments. We will be
12 presenting --

13 COURT REPORTER: Excuse me, please state
14 your name for the record.

15 MR. BUDRIS: Aaron Budris. We will be
16 supplying written testimony as well. We have just a
17 couple of comments, one being that our entire new region,
18 which will be 19 towns, with the exception of Cheshire
19 and Bristol, are located in the Housatonic watershed. And
20 for that reason we feel like we might be better suited to
21 be in the Western Connecticut WUCC.

22 And our other comment is that our largest
23 water supplier in our region is the City of Waterbury.
24 And under the proposed WUCC areas that system's supply

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1 would be cut off from its -- its customers. So, for that
2 reason as well, we would like for the DPH to consider
3 placing our new region in the Western Connecticut WUCC.
4 And that's all.

5 HEARING OFFICER KEENAN: Thank you.

6 Is there anyone else that would like to
7 make public comment at this time? Why don't we go off
8 the record for a few minutes in case somebody else comes?

9 (Off the record)

10 HEARING OFFICER KEENAN: Okay. We're back
11 on the record. Is there anyone else that would like to
12 provide public comment? Okay. I don't see anybody
13 interested at this time.

14 So, I'll just remind everybody that there
15 is a second public comment hearing scheduled for 10:00
16 a.m. on this coming Monday, May 19, 2014 at the
17 Southeastern Connecticut Council of Governments located
18 in -- at 5 Connecticut Avenue in Norwich, Connecticut.
19 And just as a reminder also, we're keeping the record
20 open to receive additional written public comment until
21 Friday, May 23, 2014. After that date, nothing will be
22 added to the record. So, thank you everyone.

23 (Whereupon, the hearing was adjourned at
24 10:43 a.m.)