

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

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IN RE:

ALTERATION OF THE BOUNDARIES OF
THE PUBLIC WATER SUPPLY MANAGEMENT MAY 19, 2014
AREAS AND THE INITIATION OF THE
WATER UTILITY COORDINATING
COMMITTEE PLANNING PROCESS

* * * * *

BEFORE: KATHRYN KEENAN, HEARING OFFICER

HEARING RE: PUBLIC WATER SUPPLY
MAY 19, 2014

1 . . . Continued verbatim proceedings of a
2 public hearing before the State of Connecticut,
3 Department of Public Health, in the matter of the
4 alteration of the boundaries of the public water supply
5 management areas and the initiation of the Water Utility
6 Coordinating Committee planning process, held at the
7 Southeastern Connecticut Council of Governments, 5
8 Connecticut Avenue, Norwich, Connecticut, on May 19, 2013
9 at 10:10 a.m. . . .

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11
12 HEARING OFFICER KATHRYN KEENAN: I'm going
13 to get started. Good morning. Today is Monday, May 19th,
14 2014. We are at the Southeastern Connecticut Council of
15 Governments, located at 5 Connecticut Avenue in Norwich,
16 Connecticut, and it's approximately ten after 10:00.

17 My name is Kathryn Keenan, and I've been
18 appointed by the Commissioner of Public Health to serve
19 as Hearing Officer for this morning's proceeding. With
20 me today are Ellen Blaschinski, Chief of the Regulatory
21 Services Branch at the Department of Public Health, Lori
22 Mathieu, Public Health Section Chief of the Department of
23 Public Health's drinking water section, Eric McPhee, a
24 Supervisor in the Department of Public Health's drinking

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1 water section, and Rich Iuzzo, a staff in the Department
2 of Public Health's drinking water section.

3 The purpose of today's public hearing is
4 to receive public comment on the Commissioner of Public
5 Heath's preliminary alteration of the boundaries of the
6 water supply management areas and priorities for
7 initiation of the Water Utility Coordinating Committee,
8 also known as the WUCC Planning Process.

9 If you wish to make a public comment
10 today, please sign up on the sign-in sheet located up
11 front. I will call persons who wish to provide public
12 comment up to the podium in the order that they appear on
13 this list. I reserve the right to limit comments of any
14 speaker in the interest of moving today's hearing along.
15 Questions will not be entertained during the public
16 hearing.

17 As stated in the Notice of Hearings dated
18 April 15th, 2014, pursuant to 25-33e of the Connecticut
19 General Statutes in Section 25-33h-1 (j), the regulations
20 of Connecticut State agencies, the Commissioner of Public
21 Health, in consultation with the Public Utilities
22 Regulatory Authority, the Commissioner of Energy and
23 Environmental Protection, and the Secretary of the Office
24 of Policy and Management has preliminarily altered the

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1 boundaries of the public water supply management areas
2 originally delineated by the Commissioner over almost 30
3 years ago in 1985, as well as the priorities for
4 initiation of the WUCC Planning Process established in
5 sections 25-33f to 25-33h of the Connecticut General
6 Statutes.

7 The preliminary altered boundaries can be
8 seen on the large map up front, and as an attachment to
9 the April 15th, 2014 Notice of Hearings. The
10 preliminarily altered priorities established are first
11 the Northeastern WUCC, second the Western WUCC, third,
12 the Central Corridor WUCC, and fourth the Southeastern
13 WUCC.

14 In making such preliminary alterations to
15 boundaries, the Commissioner of Public Health considered
16 the following factors. One, the similarity of the water
17 supply problems among water companies operating in the
18 preliminary management area.

19 Two, population density and distribution
20 in the area. Three, the location of existing sources of
21 public water supply service areas or franchise areas.
22 Four, existing interconnections between public water
23 systems.

24 Five, municipal and regional planning

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1 agency boundaries. Six, natural drainage basins. Seven,
2 topographic and geologic characteristics. And eight, any
3 other factor the Commissioner deemed relevant.

4 In preliminarily altering the priorities,
5 the Commissioner of Public Health considered the
6 existence and severity of the following in each
7 management area. Uncoordinated planning, inadequate
8 water supply, and unreliable water service.

9 We currently have two documents in the
10 record. The first is a letter dated May 8th, 2014, from
11 Filbert J. Bligh, Chairman Upper Connecticut WUCC, to
12 Kathryn Keenan, Hearing Officer of DPH. And two,
13 testimony of Richard J. Barlowe, First Selectman of the
14 town of Canton. And that's dated May 15th, 2014, and is
15 two pages.

16 Any documents received today will also be
17 added to the record. And please note, we are keeping the
18 record open to receive additional written public comment
19 until Friday, this Friday, May 23rd, 2014. Nothing will
20 be added to the record after that date.

21 Following the conclusion of the public
22 hearings and the public comment period, all oral and
23 written public comment will be reviewed, incorporated
24 into the public record, and taken into consideration in

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1 preparing the final alteration of boundaries of the
2 public water supply management areas and priorities for
3 initiation of the WUCC Planning Process.

4 At this point, I'd like to take public
5 comment. As a reminder, this hearing is intended only to
6 allow for public comments to be submitted on the
7 Commissioner's of Public Health preliminary alteration of
8 boundaries of the public water supply management areas
9 and priorities for initiation of the WUCC Planning
10 Process. The first person on the list is Peter Hughes.

11 MR. PETER HUGHES: Good morning.

12 HEARING OFFICER KEENAN: Good morning.

13 MR. HUGHES: Peter Hughes, Director of
14 Planning and Development for the town of Marlborough. I
15 would submit written comments, but we're cyber-locked and
16 no computers in Town Hall, so I'm here. We object to the
17 change of Marlborough out of the Southeast WUCC.

18 We feel that it would throw us in to a sea
19 of over 70 towns from Southbury to Mansfield, from
20 Enfield to New Haven. It's not compatible with the size
21 community we are, the geography of our connections to the
22 communities.

23 We're on the periphery of all boundaries
24 of all agencies, I don't care what they are. From

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1 emergency management down to this. We would prefer,
2 again, to stay in the Southeast WUCC. We went through
3 the WUCC process. We're not interested in going through
4 it again.

5 You know, we look at this as you're just
6 taking the Connecticut river towns out of the WUCC so
7 that you can open up the Connecticut River basin to
8 Storrs without crossing WUCC boundaries.

9 You're taking the larger water companies
10 and giving them a greater area to expand, and taking out
11 the smaller communities that aren't going to connect to
12 these larger systems, especially in the Southeast WUCC
13 that went through the planning process, out of a boundary
14 that they shouldn't be taken out of.

15 And the only other concern is, you know,
16 the State is going to eight RPAs, and you know, you're
17 going from eight to four here, and that doesn't match
18 what's going on through the OPM process. And that's it.
19 Thank you very much.

20 HEARING OFFICER KEENAN: Thank you. The
21 next person on the list is Mark Decker.

22 MR. MARK DECKER: Good morning. Thank
23 you. My name is Mark Decker. I'm Water Integrity
24 Manager for Norwich Public Utilities, a member of the

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1 Southeast WUCC and Southeast COG. I know you're not able
2 to answer questions, but just a point, it sure would have
3 been nice to have had a similar map showing the new COG
4 boundaries in conjunction with the WUCC boundaries so
5 that people could see how they do overlap.

6 As far as the Southeast COG and WUCC are
7 concerned, with all due respect to Peter's comments, I
8 actually like the way the Southeast is being set up in
9 the sense that the WUCC and the COG are lining up.

10 I think that's very important for the
11 functionality of the WUCC, for the management of it
12 financially, how to move forward. Unfortunately, there
13 are some towns that are going to be removed from the WUCC
14 that did participate in it previously, and others,
15 specifically Windham, that would be brought in to it that
16 did not participate previously.

17 I think that the size of the Southeast is
18 a manageable size. When you look at the Central and the
19 Western, those become quite voluminous. A great number
20 of communities involved. Very, very diverse. Water
21 utility management programs within those areas.
22 Especially if you look from the Southwest up to the
23 Northwest, very, very diverse philosophical styles of
24 serving those areas.

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1 And I think that that is going to create
2 some difficulties in establishing a WUCC plan. Like I
3 said, I speak directly to the Southeast because that's
4 the one that we're a member of, and I am in favor of how
5 that is being reshaped to align with the COG, but I do
6 see some -- I do have some concerns about the size of the
7 Central and the Western, and the diversities associated.
8 Thank you.

9 HEARING OFFICER KEENAN: Thank you. Next
10 is Jim Butler.

11 MR. JIM BUTLER: Good morning. My name is
12 Jim Butler, and I'm the Executive Director of the
13 Southeastern Connecticut Council of Governments. I've
14 handed a letter to Ms. Matthew, which I will read to you,
15 from our COG.

16 Dear Ms. Matthew, please be advised that
17 at their meeting on May 14th, 2014, the Southeastern
18 Connecticut Council of Governments voted unanimously to
19 support the proposed alteration of the Southeastern
20 Connecticut WUCC boundary as proposed by the Department
21 of Public Health, which will be co-terminus with the new
22 boundary of the Southeastern Connecticut Council of
23 Government's boundary, effective July 1st, 2014.

24 If I can provide any additional

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1 information, please feel free to call me: 889-2324.
2 Thank you for this opportunity to comment. I would just
3 like to add that in response to Mr. Hughes' comment,
4 while I have not discussed this with my COG, based on the
5 discussion held at our May 14th meeting, which led to the
6 drafting and sending or providing to you this letter, I
7 don't think the COG's chief elected officials, my COG's
8 chief elected officials would be adverse to allowing
9 towns that are previously members of our WUCC, to stay in
10 the WUCC.

11 I know that is probably counter-productive
12 or counter to what DPH hopes to achieve here, which is to
13 have whole new COG regions, and there will be, as I
14 understand it, nine new COG regions in the state, within
15 a WUCC boundary, and not have a WUCC boundary split a COG
16 in half.

17 In fact, I'd offer maybe the COG boundary
18 should be, at some point down the road, further examined
19 by OPM as we start fleshing out where towns need to be
20 aligned for different functional areas. Water,
21 transportation, homeland security, and other functions
22 that the regional COGs provide as an interface between
23 state government and municipalities.

24 So, again, we support the boundary as

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1 proposed. If asked, I'm guessing that many of my chief
2 elected officials would not be adverse to the five or six
3 towns that are, as proposed here, leaving our WUCC if
4 they were allowed to stay in. Or maybe if they're part
5 of another WUCC. Again, we're still willing to work with
6 those towns. That's been the philosophy of our COG right
7 along on water resources. Thank you.

8 HEARING OFFICER KEENAN: Thank you. Next
9 is Paul Formica.

10 MR. PAUL FORMICA: Good morning. I'm Paul
11 Formica, First Selectman of the town of East Lyme, past
12 Chair of the Council of Governments here, and a member of
13 the Water Committee for the Southeastern Connecticut
14 Council of Governments.

15 I understand the Department's view with
16 regard to matching up the COG boundaries with the WUCC
17 boundaries, however I make one comment with regard to Old
18 Lyme and Lyme and some of those towns along that border.

19 At the very least, they should be involved
20 in the planning efforts, as they are east of the river,
21 and would most likely see some of the effects of the
22 regional interconnections that are about to be completed
23 in East Lyme and planned for future areas in the 20 or 23
24 towns southeastern Connecticut region.

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1 Mullane. I am the First Selectman in the town of North
2 Stonington. As I look at the new layout by the
3 Department of Health, I would like to ask then to
4 reconsider the towns of Lyme, Old Lyme, and the other
5 four that are stacked up.

6 Their formal government is very similar to
7 ours. Their demographic makeup in regard to small towns
8 with isolated water systems are very similar to the type
9 that exists in the southeastern Connecticut.

10 The Southeastern Connecticut Council of
11 Governments has had a very active involvement in the WUCC
12 process, and we have I think by lessons learned, been
13 able to maximize the use of the COG in interfacing with
14 the WUCC, and working out a variety of issues that have
15 been involved within our area.

16 I think that those towns would fit better
17 with the Southeastern Connecticut, and of course, I would
18 concede to them in regard to their own interests as to
19 whether or where they want to land.

20 But I think that the review of placing
21 them to the west or to the east with us would be
22 worthwhile, and I would like to see a solicitation to
23 those towns individually as to where they feel they would
24 be best suited in regard to how the WUCCs operate.

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1 And I think it would be more beneficial
2 for them. The Southeastern Connecticut WUCC has worked
3 well. I think that the interconnections that have been
4 made are discussed, are being reviewed, and our
5 facilities would be more of an advantage to them. I'd
6 like to ask the Department of Health to consider that and
7 maybe spend some additional time, as Mr. Filchak had
8 mentioned, especially in that area. Thank you for the
9 opportunity to speak.

10 HEARING OFFICER KEENAN: Thank you. First
11 Selectman Formica?

12 MR. PAUL FORMICA: Thank you. Paul
13 Formica, East Lyme. With regard to the addition of some
14 of these other towns, and the increased interest in
15 wastewater planning throughout the region and the state,
16 for that matter, and the significance that Old Lyme is
17 working on their wastewater problem coming east through
18 East Lyme and New London, it may make sense to consider
19 that as a good reason to include them in our WUCC as its
20 planning process as well. So --

21 HEARING OFFICER KEENAN: Thank you.

22 MS. JOYCE OKONUK: Good morning. Joyce
23 Okonum, First Selectman, town of Lebanon. I agree with
24 the comments made by the two prior first selectmen, and I

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1 also support the consideration of keeping towns that are
2 east of the Connecticut River, that are presently in our
3 WUCC, in the Southeast WUCC, I think keeping those towns
4 in that same configuration makes excellent sense.

5 And particularly with regard to Hebron and
6 East -- I think it's East Hampton. The town of Lebanon's
7 wastewater from the sewer install that Amsten Lake
8 recently installed sewer, which flows through Colchester
9 and East Hampton and Hebron, ending in East Haddam -- or
10 East Hampton, I believe that would make perfect sense to
11 keep those towns in our WUCC so that this alignment of
12 wastewater and drinking water can be handled, to some
13 degree, together.

14 Those towns are very similar to the towns
15 in the proposed WUCC area for southeastern, and I
16 remember when we did the multi-year convening of the WUCC
17 in southeastern, the amount of work and time that went in
18 to that process, those towns were involved.

19 And it just seems like a more natural fit
20 for them. So, it would be the towns to the east of the
21 river, including them with us, if, of course, they're
22 interested in joining us.

23 But I think the process should be extended
24 30 days, and perhaps the Department of Health or the

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1 towns that are here today, could contact the chief
2 elected officials or town managers from those towns and
3 ask them to comment. I think their feedback is vital.
4 Thank you.

5 HEARING OFFICER KEENAN: Thank you. Mr.
6 Butler?

7 MR. JIM BUTLER: Jim Butler, Southeastern
8 Connecticut Council of Governments. I concur with the
9 previous speakers, and would respectfully request that
10 DPH extend the comment period at least 30 days, and that
11 an effort be made to reach out individually to each of
12 the seven municipalities who are being proposed to be
13 taken out of our Southeastern Connecticut WUCC, to see
14 where they would like to be aligned, and then to consider
15 their input seriously when you come up with your final
16 boundaries.

17 And if there's any assistance that I can
18 provide you in reaching out to any of those seven CEOs
19 and their staff, please let me know. Thank you.

20 HEARING OFFICER KEENAN: Thank you.

21 MR. MIKE CALLAHAN: Good morning. My name
22 is Mike Callahan. I'm the Chairman of the Windham Water
23 Commission, which oversees the municipal water department
24 in Windham. I'd like to make a couple of comments, the

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1 first being I think it does make sense to extend the
2 hearing.

3 In our community, there is very little
4 discussion regarding the significance of the WUCC and the
5 COG, so I think this would give us an opportunity to have
6 those discussions. Most speakers just previously have
7 been talking about keeping existing towns that were part
8 of the WUCC, in the WUCC.

9 We're proposed to be new, Windham, so I
10 guess I'd really like to drive home that point. We are
11 interested in joining the Southeast WUCC. There seems to
12 be both a contemporary and also a historic connection
13 with the communities in the WUCC.

14 We're an old industrial manufacturing
15 community. We see ourselves being very similar in nature
16 to New London, Groton, Norwich. We also share some
17 regional -- I'm sorry, rural elements in our communities,
18 so we see Windham being a very appropriate match to the
19 Southeast WUCC.

20 So, we'd like to at least make that point
21 today, and we'll submit written comments, as well. Thank
22 you.

23 HEARING OFFICER KEENAN: Thank you very
24 much.

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1 MR. GREGORY LEONARD: Hi, Gregory Leonard,
2 Southeastern Connecticut Water Authority. We'd like to
3 endorse the comments made by others for suggesting a 30-
4 day extension and reaching out to the communities that
5 are affected that were in the previous WUCC area.

6 We'd also like to lend support to the town
7 of Windham and Windham Waterworks and their testimony
8 today to be included in the Southeast WUCC boundary.
9 Thank you.

10 HEARING OFFICER KEENAN: Thank you. Would
11 anyone else like to make a public comment?

12 MR. DAVID RADKA: Good morning, Kathryn.
13 I couldn't see you behind the -- I saw your feet. Good
14 morning. David Radka, Director of Water Resources and
15 Planning, Connecticut Water Company. At this time, we
16 really have no opinion on the alignment with the COGs.

17 Some of the previous speakers make very
18 good points as to how those might be realigned, and they
19 do make some very cogent arguments. But I think what is
20 important is that we update and complete the WUCC
21 process.

22 And I commend the Department for moving
23 forward after many years of discussion. I do question
24 the reasonableness of maintaining the Northeastern

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1 Connecticut WUCC if only because that has been an area
2 that had never been convened.

3 And given the lack of staff and funding, I
4 question whether or not it will ever be convened unless
5 it gets absorbed in to an existing WUCC, which was part
6 of the concept that we had been debating many years now.

7 That would allow it to be the new - that
8 area, if it's absorbed in to existing WUCCs, as you're
9 envisioning with the other upper Western Connecticut and
10 lower Western into the Housatonic, you have an existing
11 regional plan that then can be updated to reflect new
12 information.

13 I think it makes it easier to complete the
14 process, quite frankly, and I guess what I'm advocating
15 is that the Northeastern and Southeastern consideration
16 be given to combining those to hopefully effect and
17 complete the planning process we'll probably submit
18 comments, written comments to that effect.

19 HEARING OFFICER KEENAN: Thank you. Is
20 there anyone else that would like to make a couple of
21 comments? If there aren't, I'd just like to thank
22 everyone for coming today, and providing comments, and
23 this hearing is adjourned.

24 (Whereupon the hearing was adjourned at

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1 10:59 a.m.)

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