

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

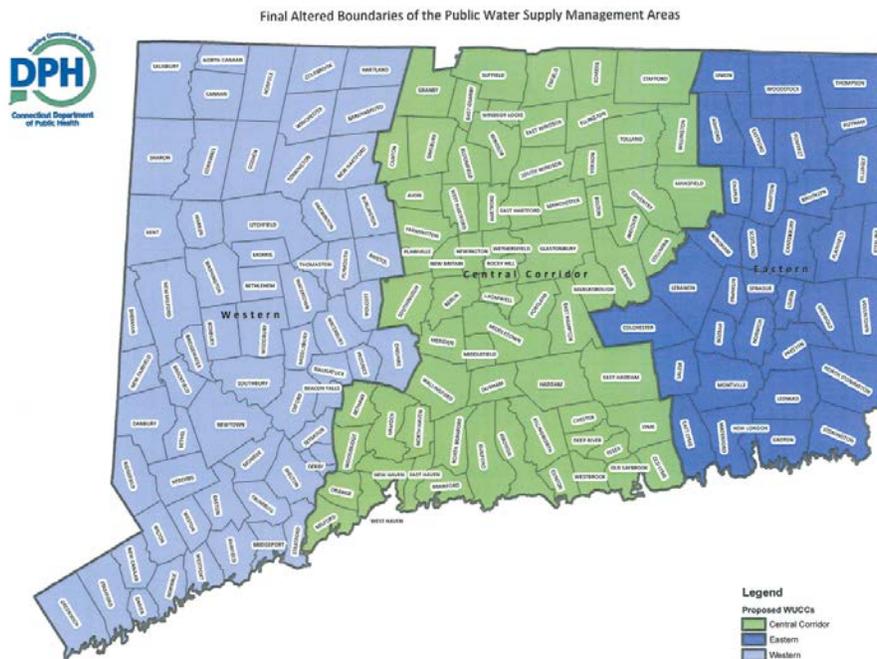
Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

ANNUAL REPORT ON THE WATER UTILITY COORDINATING COMMITTEE (WUCC) PLANNING PROCESS FOR PUBLIC WATER SYSTEMS (PURSUANT TO CONNECTICUT GENERAL STATUTE 25-33n)

Report Period: February 1, 2014 through January 31, 2015



January 21, 2015

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- I) EXECUTIVE SUMMARY: Connecticut General Statutes (CGS) Section 25-33n states “the Commissioner of Public Health shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and public utilities, which describes the status of, for the year ending the preceding June thirtieth, the planning process established under sections 25-33g to 33j, inclusive, and efforts to expedite the process.”
- II) WUCC PLANNING PROCESS STATUS: Connecticut’s public water supply planning process was prompted by the state’s extended drought in the early 1980s. The Water Resources Task Force was convened to make recommendations to the General Assembly regarding methods to best assure current and future public water supply adequacy in the state. The recommendations resulted in a 1985 legislative finding, CGS 25-33c; that states “an adequate supply of potable water ... is vital to the health and well-being of the people of the state” and “to maximize efficient and effective development of the state’s public water supply systems and to promote public health, safety and welfare, the Department of Public Health shall administer procedures to coordinate planning of public water supply systems.” CGS 25-33g through 25-33j were designed to address water quality and quantity regionally to promote cost-efficiency.

Public Water Systems serving over 1,000 persons must submit individual plans every six to nine years pursuant to CGS 25-32d. The implementation of recommended improvements in water supply plans is not required or enforceable. Accurate individual plans are requisite for success in drinking water planning as the technical data is used to prepare WUCC management area coordinated plans. Southeastern Connecticut has the only state approved coordinated plan and Exclusive Service Area (ESA) providers. The Housatonic, Upper Connecticut River, and South Central Connecticut plans were prepared and used for drinking water supply planning.

- III) HIGH QUALITY SOURCE (HQS) LIST: The state’s drinking water quality is among the highest in the nation and the protection of sources is unique. CGS 25-33q requires the DPH to annually update a High Quality Source (HQS) list that designates sources and potential future sources that require protection to ensure high quality source waters remain available for human consumption. Coordination of the annual DPH updates with the state’s on-going classification process for new stream flow standards is vital to maintain existing state discharge prohibitions. Connecticut and Rhode Island remain the only states that afford residents increased public health protections through the prohibition of sewage and industrial discharges to public supply sources. The prohibition benefits the state’s high quality drinking water and helps protect against evolving contaminants like pharmaceuticals and personal care products. The DPH seeks to ensure through proper planning that the protection of water sources continues to provide adequate supplies of the most pristine water for the highest use – human consumption.

IV) CURRENT WUCC MANAGEMENT AREAS:

1) Housatonic: Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Ridgefield, Roxbury, Sherman, Southbury, Woodbury; Regional Planning: Central Naugatuck Valley Council of Governments (COG)*, Housatonic Valley Council of Elected Officials*, Northwest CT COG*

The Housatonic was convened on June 11th, 1986. In recent years the numbers and diversity of stakeholders has steadily grown. Elected officials, civic leaders, and health directors now provide valuable local perspective to help address water issues. Consensus was reached at a March 18th, 2013 meeting to provide a recommendation to the DPH for the consolidation of ESA’s obtained through recent Aquarion Water Company acquisitions into one contiguous service area. Draft

guidance for standard statewide WUCC rules and procedures was provided for future discussion at meetings that will be scheduled to discuss and resolve public drinking water supply issues.

2) Upper Connecticut River: Avon, Barkhamsted, Berlin, Bloomfield, Bristol, Burlington, Canton, Colebrook, East Granby, East Hartford, East Windsor, Ellington, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Harwinton, Manchester, New Britain, Newington, New Hartford, Plainville, Rocky Hill, Simsbury, Somers, South Windsor, Southington, Suffield, Vernon, West Hartford, Wethersfield, Windsor, Windsor Locks; Regional Planning: Capitol Region COG*, Central Connecticut Regional Planning*, Litchfield Hills Council Elected Officials

The Upper Connecticut River was convened on March 24th, 1987. Extensive public water supply infrastructure exists yet supply adequacy concerns remain area-wide at many systems. Strategic interconnections would eliminate current and potential future supply adequacy and margin of safety deficiencies at large public systems. The DPH presented on the WUCC's current status, outstanding supply adequacy data, and the need for standard statewide WUCC rules and procedures at a January 30th, 2014 meeting in New Britain. Several environmental advocacy groups attended and the management area created a subcommittee to nominate new co-chair candidates for forthcoming officer elections. A meeting will be held May 1st, 2014 at the New Britain Water Department filter plant to reach consensus on appointing new management area co-chair positions and to continue discussions regarding standard WUCC rules and procedures.

3) South Central Connecticut: Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Chester, Clinton, Cromwell, Deep River, Derby, Durham, East Haddam, East Haven, Essex, Guilford, Haddam, Hamden, Killingworth, Madison, Meriden, Middlefield, Middletown, Milford, Naugatuck, New Haven, North Branford, North Haven, Old Saybrook, Orange, Oxford, Portland, Prospect, Seymour, Wallingford, Westbrook, West Haven, Woodbridge; Regional Planning: Connecticut River Estuary Regional Planning*, Central Naugatuck Valley COG*, Midstate Regional Planning Agency*, South Central Regional COG*, Valley COG

The South Central Connecticut was convened on November 4th, 1987. The DPH presented on the WUCC's current status, outstanding water supply technical data, and the need for standard statewide WUCC rules and procedures at a November 25th, 2013 meeting. New management area co-chairs were nominated and appointed by consensus and several attendees expressed concern at the meeting over public water supply adequacy and the detrimental effects of new stream flow standards on marginal supplies. Management area consolidation, standard statewide WUCC rules and procedures, the accuracy of public supply data, and strategic interconnections to resolve long standing regional water needs were also discussed at the November meeting.

4) Southeastern Connecticut: Bozrah, Colchester, East Haddam, East Hampton, East Lyme, Franklin, Griswold, Groton, Hebron, Lebanon, Ledyard, Lisbon, Lyme, Marlborough, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, Waterford; Regional Planning: Capitol Region COG* Connecticut River Estuary*, Midstate Regional Planning, Southeastern Connecticut COG*, Windham COG*

The Southeastern Connecticut was convened on August 5, 1998 and changed prevailing practice to provide a model for future drinking water planning success. One major difference was elected municipal leaders that became actively involved in the regional process. Initial contentions from some water systems are now outweighed by the many significant water supply projects that resulted which now provide sustainable public water supply that benefits several communities in the management area. New stakeholders helped achieve the state's first DPH approved WUCC

management area coordinated plan and ESA providers. On-going inter-local coordination efforts continue today in Southeastern Connecticut which proves success and long term relationships result when regional partners work together for technical solutions that account for water quantity and quality, public health and safety, ecological needs, and local land-use planning. The Southeastern Connecticut Council of Governments (SECCOG) has established a water committee comprised of regular participants from the region's major municipalities with open invitations to small towns to participate as resources allow or when required for specific matters. The committee operates similar to the original WUCC legislation's intent for local 'grass roots' planning by stakeholders who meet regularly to identify drinking water supply quality and quantity issues and needs. Identified needs are addressed through regional solutions that best suit a participant's current or future needs equitably. The membership unanimously concurred at a March 18th, 2013 meeting to grant the SECCOG water committee decision making authority for the management area. An October 21st, 2013 WUCC management area meeting addressed the evolving statewide water planning issues, potential WUCC management area consolidation, and the importance of proper evaluation of stream flow standard effects on public water supply adequacy to identify sufficient future high quality source waters for the Department's HQS list. Several municipal water systems have teamed up to identify and develop the next major source of drinking water supply to meet the region's future needs. New London and East Lyme have partnered to construct a regional interconnection to address East Lyme's peak seasonal demands.

5) Northeast: Andover, Ashford, Bolton, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Stafford, Sterling, Thompson, Tolland, Union, Willington, Windham; Regional Planning: Capitol Region COG*, Northeast Connecticut COG*, Windham COG*

The Northeast has not been convened. The University of Connecticut supplemental water supply search raised statewide consciousness of the importance of long range drinking water supply and water resource planning. Successful completion of the state's WUCC public water supply planning process will provide the essential technical data that is required to address critical public health and safety concerns in the on-going statewide water resource planning efforts.

6) Northwest: Bethlehem, Canaan, Cornwall, Goshen, Kent, Litchfield, Middlebury, Morris, Norfolk, North Canaan, Plymouth, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Waterbury, Watertown, Winchester, Wolcott; Regional Planning: Central Connecticut Regional Planning Agency*, Central Naugatuck Valley COG*, Litchfield Hills Council of Elected Officials, Northwest Connecticut COG *

The Northwest has not been convened.

7) Southwest: Bridgeport, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, Norwalk, Redding, Shelton, Stamford, Stratford, Trumbull, Weston, Westport, Wilton; Regional Planning: Greater Bridgeport Regional Planning Agency*, Housatonic Valley Elected Officials, Southwest Regional Planning Agency*, Valley COG*

The Southwest has not been convened.

* Connecticut's regional planning organizations are currently being reorganized.

V) REDELINEATED MANAGEMENT AREAS

The management areas were redelineated in 2014. This process included public input; it is summarized in Appendix A: *Report to the Commissioner*.

VI) DPH PLAN TO COMPLETE THE WUCC PROCESS

The lack of approved WUCC management area coordinated plans remains a basic need that must be addressed for state drinking water planning success. The legislation envisioned coordinated plans would be revised every ten years and convened management area's coordinated plans were not updated primarily due to lack of available state funds. Iterative planning processes require constant vigilance and regular updates to reflect change. Current accurate coordinated plans are needed to reflect changes over the past two decades to the economy, individual public water system plans, local and regional planning, and environmental impacts to supply adequacy that will result from new reservoir releases required by state Stream Flow Standards and Regulations.

Only the Southeastern Connecticut management area has a DPH approved plan. The plan led to the construction of a major regional pipeline that now provides cost-effective, reliable water service to several municipalities in the region. The DPH hopes to ensure drinking water supply planning is carried out similarly across the state.

In 2011, a WUCC advisory group was convened to discuss historic problems, current shortcomings, and make recommendations for improvements. Recommendations provided were to sizably increase stakeholder and municipal involvement and to improve coordination between public systems and the municipalities served. Management area consolidation was recommended given the current costs associated with preparing seven WUCC management area coordinated plans for the state's small footprint. The group recommended that WUCC consolidation efforts consider the state's regional planning boundaries to encourage increased municipal involvement and that current, accurate technical data be used to demonstrate system adequacy prior to granting state approved Exclusive Service Area (ESA) designations.

The DPH is now prepared to complete the WUCC process. The proposed boundary revisions balance water supply adequacy, the state's major water basins, major public water system regional interconnections, recent water industry consolidation, and continuing support of local and regional planning.

VII) NEXT STEPS

In altering the priorities, the Commissioner of Public Health, pursuant to Conn. Gen. Stat. § 25-33e(b), is required to consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, and (3) unreliable water service. The Department recommends that the Commissioner of Public Health establish the following final altered priorities: first, the Western public water supply management area, second, the Central Corridor public water supply management area, and third, the Eastern public water supply management area. The Department recommends that the Western public water supply management area be convened first because such area has the greatest uncoordinated planning. Specifically, the majority of the public water systems located in the Western public water supply management area have not been involved previously in the WUCC process and therefore have not been involved in much coordinated water planning.

The Department recommends that the Central Corridor public water supply area be convened next because many of the public water systems located in the Central Corridor area were in a previously convened WUCC and participated in coordinated water planning. Finally, the Department recommends that the Eastern public water supply management area be convened last because many of the public water systems located in the Eastern public water supply management area were part of the only WUCC, the Southeastern WUCC, to have a coordinated water system plan approved by the Commissioner of Public Health.

Following the establishment of the final altered priorities pursuant to *Conn. Gen. Stat.* § 25-33e, will convene the WUCC for each public water supply management area to implement the planning process established by *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. A WUCC consists of one representative from each public water system with a source of water supply or a service area within the public water supply management area and one representative from each regional planning agency within such area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. *Conn. Gen. Stat.* § 25-33(f). Pursuant to § 25-32-1(b)(7) of the Regulations of Connecticut State Agencies, any regional planning agency or public water system that is not included on the membership list for a WUCC may petition the Department to be included. The Department is required to maintain and make available the list of eligible WUCC members. § 25-32-1 (b)(7) of the Regulations of Connecticut State Agencies.

Once a WUCC is convened, the WUCC, in consultation with the Commissioner of Public Health, the Commissioner of DEEP, the Secretary of OPM, and PURA, is required to develop a preliminary assessment of water supply conditions and problems within the public water supply management area. *Conn. Gen. Stat.* § 25-33g(a). The WUCC is required to solicit comments on the preliminary assessment from municipalities, regional planning agencies, state agencies and other interested parties and respond to any comment received. *Id.* The WUCC is required thereafter to prepare a final assessment of water supply conditions and problems within the public water supply management area.

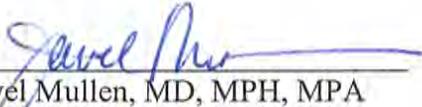
Based on the final assessment of water supply conditions and problems within the public water supply management area, the WUCC is required to establish preliminary exclusive service area boundaries for each public water system within the management area, and may change such boundaries. *Conn. Gen. Stat.* § 25-33g(b). In establishing exclusive service area boundaries, the WUCC is required to solicit comments on such boundaries from municipalities, regional planning agencies, the Commissioners of DEEP and Public Health, the Secretary of OPM, PURA, and other interested persons within the management area and respond to any comment received. Pursuant to *Conn. Gen. Stat.* § 25-33h, each WUCC is also required to prepare a coordinated water system plan for the public water supply management area. A coordinated plan consists of the individual water system plans of each public water system within a public water supply management area, filed pursuant to *Conn. Gen. Stat.* § 25-32d, and an area-wide supplement to such plans developed pursuant to *Conn. Gen. Stat.* §25-33h that addresses public water system concerns pertaining to the public water supply management area as a whole. *Conn. Gen. Stat.* § 25-33d(f). The WUCC is required to submit the plan to the Commissioner of Public Health for the Commissioner's approval not more than two years after the first meeting of the WUCC. The plan is required to promote cooperation among public water systems and include, but not be limited to, provisions for: (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4) joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans; (8) minimum design standards; (9) water conservation; (10) the

impact on other uses of water resources including water quality, flood management, recreation and aquatic habitat issues; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts. A WUCC is required to review and update its coordinated water system plan at least every ten years or sooner. § 25-33-1(i)(l) of the Regulations of Connecticut State Agencies. Any permit issued by the Commissioner of Public Health is required, to the extent feasible, to be consistent with any coordinated plan. Conn. Gen. Stat. §25-33i(a). In addition, Public Act (P.A.) 14-1633 requires the Water Planning Council (WPC) to consider WUCC plans in developing the state water plan.

Attachment A

FINAL ALTERED BOUNDARIES OF THE PUBLIC WATER SUPPLY MANAGEMENT AREAS AND PRIORITIES FOR INITIATION OF THE WATER UTILITY COORDINATING COMMITTEE PLANNING PROCESS

Pursuant to § 25-33e of the Connecticut General Statutes and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies, I hereby adopt as the final altered boundaries of the public water supply management areas and priorities for initiation of the Water Utility Coordinating Committee (“WUCC”) planning process the Department of Public Health’s recommended altered boundaries and priorities. A copy of the Department’s report regarding the recommended final altered boundaries and priorities is attached hereto. Accordingly, the final altered boundaries of the public water supply management areas are delineated such that there are three public water supply management areas, the Western, Central Corridor and Eastern, which are shown on the attached map entitled “Final Altered Boundaries of the Public Water Supply Management Areas”. In addition, the final altered priorities for initiation of the WUCC planning process are established as follows: first, the Western public water supply management area; second, the Central Corridor public water supply management area; and third, the Eastern public water supply management area.



Jewel Mullen, MD, MPH, MPA
Commissioner

10/27/14
Date

Attachments

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

REPORT TO THE COMMISSIONER

**Prepared Pursuant to Section 25-33e of the
Connecticut General Statutes**

Regarding

Recommended Alteration of the Boundaries of the Public Water Supply Management Areas and Priorities for Initiation of the Water Utility Coordinating Committee Planning Process

On April 4, 2014, the Commissioner of the Department of Public Health (Commissioner of Public Health) gave notice in accordance with § 25-33e of the Connecticut General Statutes (*Conn. Gen. Stat.*) and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies that the Commissioner of Public Health, in consultation with the Public Utilities Regulatory Authority (PURA), the Commissioner of Energy and Environmental Protection (Commissioner of DEEP) and the Secretary of the Office of Policy and Management (OPM), had preliminarily altered the boundaries of the public water supply management areas, which were originally delineated by the Commissioner of Public Health in 1986, and the priorities for initiation of the Water Utility Coordinating Committee (WUCC) planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive (April 4, 2014 Notice). Exhibit 1. The Commissioner of Public Health attached to the April 4, 2014 Notice a map of the preliminarily altered boundaries. *Id.* The preliminarily altered priorities established were first, the Northeastern WUCC, second, the Western WUCC, third, the Central Corridor WUCC, and fourth, the Southeastern WUCC. *Id.* The Commissioner of Public Health also announced in the April 4, 2014 Notice that the Department of Public Health (Department) would hold two public comment hearings, the first on May 15, 2014 and the second on May 19, 2014, and would accept written comments until May 23, 2014. *Id.*

On May 29, 2014, the Commissioner of Public Health gave notice that the Department would hold a third public comment hearing on June 16, 2014 (May 29, 2014 Notice). Exhibit 2. The Commissioner of Public Health also announced in the May 29, 2014 Notice that the Department had extended the public comment period to July 15, 2014. *Id.*

The Department held the three public comment hearings on May 15, May 19 and June 16, 2014, and accepted written public comments until July 15, 2014. All of the written and oral comments have been considered. Based on a consideration of the factors in *Conn. Gen. Stat.* § 25-33e and the written and oral comments received, the Department recommends the final altered boundaries of the public water supply management areas as depicted on the map in Exhibit 3. The Department also recommends the following final altered priorities: first, the Western WUCC, second, the Central Corridor WUCC, and third, the Eastern WUCC.



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I. Background

A. 1986 Boundaries and process for delineation of the altered boundaries and priorities

On March 5, 1986, in accordance with Public Act 85-535 and *Conn. Gen. Stat.* § 25-33e, the Commissioner of Public Health delineated the final boundaries of the public water supply management areas (the 1986 Boundaries), which created seven public water supply management areas, and established the first three priorities for initiation of the WUCC planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. Exhibit 4. The Commissioner of Public Health established the last four WUCC priorities on October 30, 1995. Exhibit 5.

For at least the past five years, the Department has looked into consolidating the WUCCs and altering the 1986 Boundaries.¹ *See, e.g.*, Department's Annual Report on the WUCC Planning Process for Public Water Systems, Dated June, 2009; Department's Annual Report on the WUCC Planning Process for Public Water Systems, Dated February 14, 2013. As a result of such consideration, earlier this year, pursuant to *Conn. Gen. Stat.* § 25-33e and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies, the Commissioner of Public Health, in consultation with the PURA, the Commissioner of DEEP and the Secretary of OPM, preliminarily altered the 1986 Boundaries and the priorities for initiation of the WUCC planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. The preliminarily altered boundaries created four public water supply management areas. In making such preliminary alteration of the 1986 Boundaries, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat.* § 25-33e(a), considered the following factors:

- (1) The similarity of water supply problems among water companies operating in the preliminary management area;
- (2) population density and distribution in the area;
- (3) the location of existing sources of public water supply, service areas or franchise areas;
- (4) existing interconnections between public water systems;
- (5) municipal and regional planning agency² boundaries;
- (6) natural drainage basins;
- (7) topographic and geologic characteristics;
- and (8) any other factor he deems relevant.

In preliminarily altering the priorities, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat.* § 25-33e(b), considered the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, and (3) unreliable water service.

Pursuant to *Conn. Gen. Stat.* § 25-33e and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies, the Commissioner of Public Health, after holding a hearing regarding the preliminarily altered public water supply management areas and altered priorities for initiating the WUCC process, is required to delineate the final altered boundaries of such areas and the final altered priorities.

¹ On May 12, 2010, in New Britain, Connecticut, and on October 21, 2010, in Middletown, Connecticut, the Upper Connecticut and South Central WUCCs held special joint meetings to discuss the possibility of combining the two WUCCs into one WUCC. *See* May 12, 2010 Draft Meeting Minutes of the Special Joint Meeting of the Upper Connecticut and South Central WUCCs, http://www.ct.gov/dph/lib/dph/drinking_water/pdf/Joint_Central_WUCC_meeting_minutes_-_5.12.10.pdf, which were approved at the October 21, 2010 Joint WUCC meeting, and October 21, 2010 Joint Meeting Minutes of the Upper Connecticut and South Central WUCCs, http://www.ct.gov/dph/lib/dph/drinking_water/pdf/joint_wucc_10_21_10.pdf, which were approved at the January 30, 2014 Joint WUCC meeting.

² Please note: Pursuant to Public Act 13-247, "regional planning agency" was changed editorially by the Revisors to "regional council of governments" in *Conn. Gen. Stat.* § 25-33e(a)(5), effective January 1, 2015.

B. WUCC process

Pursuant to *Conn. Gen. Stat.* § 25-33(f), the Commissioner of Public Health, following the establishment of the final altered priorities pursuant to *Conn. Gen. Stat.* § 25-33e, will convene the WUCC for each public water supply management area to implement the planning process established by *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. A WUCC consists of one representative from each public water system with a source of water supply or a service area within the public water supply management area and one representative from each regional planning agency within such area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. *Conn. Gen. Stat.* § 25-33(f). Pursuant to § 25-32-1(b)(7) of the Regulations of Connecticut State Agencies, any regional planning agency or public water system that is not included on the membership list for a WUCC may petition the Department to be included. The Department is required to maintain and make available the list of eligible WUCC members. § 25-32-1(b)(7) of the Regulations of Connecticut State Agencies.

Once a WUCC is convened, the WUCC, in consultation with the Commissioner of Public Health, the Commissioner of DEEP, the Secretary of OPM, and PURA, is required to develop a preliminary assessment of water supply conditions and problems within the public water supply management area. *Conn. Gen. Stat.* § 25-33g(a). The WUCC is required to solicit comments on the preliminary assessment from municipalities, regional planning agencies, state agencies and other interested parties and respond to any comment received. *Id.* The WUCC is required thereafter to prepare a final assessment of water supply conditions and problems within the public water supply management area. *Id.*

Based on the final assessment of water supply conditions and problems within the public water supply management area, the WUCC is required to establish preliminary exclusive service area boundaries for each public water system within the management area, and may change such boundaries. *Conn. Gen. Stat.* § 25-33g(b). In establishing exclusive service area boundaries, the WUCC is required to solicit comments on such boundaries from municipalities, regional planning agencies, the Commissioners of DEEP and Public Health, the Secretary of OPM, PURA, and other interested persons within the management area and respond to any comment received.

Pursuant to *Conn. Gen. Stat.* § 25-33h, each WUCC is also required to prepare a coordinated water system plan for the public water supply management area. A coordinated plan consists of the individual water system plans of each public water system within a public water supply management area, filed pursuant to *Conn. Gen. Stat.* § 25-32d, and an area-wide supplement to such plans developed pursuant to *Conn. Gen. Stat.* § 25-33h that addresses public water system concerns pertaining to the public water supply management area as a whole. *Conn. Gen. Stat.* § 25-33d(f). The WUCC is required to submit the plan to the Commissioner of Public Health for the Commissioner's approval not more than two years after the first meeting of the WUCC. The plan is required to promote cooperation among public water systems and include, but not be limited to, provisions for: (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4) joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans; (8) minimum design standards; (9) water conservation; (10) the impact on other uses of water resources including water quality, flood management, recreation and aquatic habitat issues; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts. A WUCC is required to review and update its coordinated water system plan at least every ten years or sooner. § 25-33-1(i)(1) of the Regulations of Connecticut State Agencies. Any permit issued by the Commissioner of Public Health is required, to the extent feasible, to be consistent with any coordinated plan. *Conn. Gen. Stat.* §

25-33i(a). In addition, Public Act (P.A.) 14-163³ requires the Water Planning Council (WPC) to consider WUCC plans in developing the state water plan.

II. Oral and written public comments received by the Department

The Department received comments from the following individuals and entities:

- Gilbert J. Bligh, Chairman, Upper Connecticut WUCC
- W. David LeVasseur, Acting Undersecretary, Intergovernmental Policy, OPM
- Richard J. Barlow, First Selectman, town of Canton, and Member, Farmington River Collaborative
- Eileen Fielding, Executive Director, Farmington River Watershed Association
- Aaron Budris, Central Naugatuck Valley Council of Governments
- Neeta Dhanraj, East Hampton Rest Home LLC, d/b/a Westside Manor
- John Filchak, Executive Director, Northeastern Connecticut Council of Governments
- James S. Butler, Executive Director, Southeastern Connecticut Council of Governments
- Peter F. Hughes, Planning and Development Director, town of Marlborough, and Representative, Southeastern WUCC
- Mark Decker, Water Integrity Manager, Norwich Public Utilities, Member, Southeast WUCC and Member, Southeastern Connecticut Council of Governments
- Paul Formica, First Selectman, town of East Lyme
- Nick Mullane, First Selectman, town of North Stonington
- Joyce Okonuk, First Selectman, town of Lebanon
- Mike Callahan, Chairman, Windham Water Commission
- Gregory Leonard, Southeastern Connecticut Water Authority
- David Radka, Director of Water Resources and Planning, Connecticut Water Company
- Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, DEEP
- Neal J. Beets, Town Manager, town of Windham
- Samuel S. Gold, Executive Director, Central Naugatuck Valley Council of Governments
- Kenneth R. Skov, Manager Water Resources and Infrastructure Planning, Aquarion Water Company
- Larry L. Bingaman, President and Chief Executive Officer, Regional Water Authority
- Robert J. Longo, Superintendent, city of Bristol Water Department
- Donna M. Culbert, Director of Health, and George Benson, Director of Planning and Land Use, Newtown District Department of Health
- Elizabeth Gara, Executive Director, Connecticut Water Works Association

³ P.A. 14-163 requires the WPC to, within available appropriations, prepare a state water plan for the management of the water resources of the state by July 1, 2017. In developing such plan, P.A. 14-163 requires the WPC to, among other things, consider individual water supply plans, water quality standards, stream flow classifications, WUCC plans, the State Plan of Conservation and Development, and other planning documents the WPC considers necessary. In addition, P.A. 14-163 requires the state water plan to, *inter alia*, identify water quantities and qualities that are available for public water supply, health, economic, recreation, and environmental benefits on a regional basin scale, considering both surface water and groundwater; identify current and future water demand on a statewide and regional basin scale; recommend using the state's water resources in a manner that balances public water supply, economic development, recreation, and ecological health; recommend major engineering works or special districts, as well as technology and infrastructure upgrades and interconnections; recommend land use and other measures to ensure the desired water quality and quantity, as well as promoting development based on available water resources; and try to incorporate regional and local water use and management plans and programs and water and sewerage facilities plans. The WPC will provide the public an opportunity to review the state water plan after such plan is prepared.

- Donald S. Stein, Chairman, Northwest Hills Council of Governments, and First Selectman, town of Barkhamsted
- Michael Maniscalco, Town Manager, town of East Hampton
- Len Dejong, Executive Director, Pomperaug River Watershed Coalition
- Margaret Miner, Executive Director, Rivers Alliance of Connecticut

III. Summary of proposal

A. Evaluation of *Conn. Gen. Stat.* § 25-33e(a) factors

The Commissioner of Public Health, in consultation with PURA, the Commissioner of DEEP and the Secretary of OPM, preliminarily altered the boundaries of the public water supply management areas from seven to four public water supply management areas. In making such preliminary alteration of the 1986 Boundaries, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat.* § 25-33e(a), considered the following factors:

- (1) The similarity of water supply problems among water companies operating in the preliminary management area; (2) population density and distribution in the area; (3) the location of existing sources of public water supply, service areas or franchise areas; (4) existing interconnections between public water systems; (5) municipal and regional planning agency⁴ boundaries; (6) natural drainage basins; (7) topographic and geologic characteristics; and (8) any other factor he deems relevant.

Based upon comments received orally during the Department's three public comment hearings and in writing during the public comment period, the Department recommends that the Commissioner of Public Health alter the boundaries of the public water supply management areas such that there are three areas. *See* Exhibit 3. In reviewing the comments received and the factors in *Conn. Gen. Stat.* § 25-33e(a), it became apparent that no alteration of the public water supply management area boundaries could satisfy all of the factors or the desires of all the interested parties, or both. The following is a summary of the Department's evaluation of each factor and the rationale for recommending the final altered boundaries of the public water supply management areas, which are different than the preliminarily altered boundaries of the public water supply management areas.

1. Similarity of water supply problems among water companies operating in the public water supply management area

The Department considered the similarity of water supply problems among water companies, such as quality and quantity problems, and determined that the delineation of the public water supply management area boundaries based upon similarity of water supply problems appears to be less critical than other factors. Each public water system has unique water supply problems, making it difficult to delineate based solely on such problems. In addition, systems that are the same size, such as small systems, have similar water supply problems and exist throughout the state, rather than in one public water supply management area. *See, e.g.*, PURA, March 2014, "A Review of Financial and System Viability of Connecticut's Small Community Water Systems Prepared for the State of Connecticut Public Utilities Regulatory Authority", http://www.ct.gov/pura/lib/pura/water/review_small_community_water_systems_final_report.pdf.

⁴ Please note: Pursuant to Public Act 13-247, "regional planning agency" was changed editorially by the Revisors to "regional council of governments" *Conn. Gen. Stat.* § 25-33e(a)(5), effective January 1, 2015.

Additionally, public water systems in close proximity to one another often have water quality and quantity that varies drastically depending on the source of supply. Furthermore, management areas are not intended to create an impenetrable boundary between areas of the state. Rather than recommending the delineation of the public water supply management area boundaries based solely on a similarity of water supply problems, the Department instead recommends the continued encouragement of communication between the public water supply management areas and the WUCCs to resolve local and regional water supply problems. The Department did not receive any comments regarding the alteration of the boundaries of the public water supply management areas based on the similarity of water supply problems among water companies.

2. Population density and distribution in the area

The Department considered population density and distribution in the state in delineating the recommended altered boundaries of the public water supply management areas. Generally, population distribution in the northern and southern part of the eastern and central sections of the state are similar. Specifically, there are more densely populated urban centers in the northern and southern part of these sections that are surrounded by suburban and rural areas, favoring the configuration of the boundaries of the Eastern and Central Corridor public water supply management areas. *See Exhibit 6, Attachment 1.* With respect to the western section of the state, the population distribution is unique because the northern part is mostly rural, while the southern part is mostly urban. In addition, the recommended alteration of the boundaries of the public water supply management areas may encourage coordination between the public water supply management areas when, for example, the most efficient, prudent and economical way to distribute water is for a system in one management area to provide water to a location in the another management area that is in need of water. The Department did not receive any comments regarding the alteration of the boundaries of the public water supply management areas based on population density and distribution in the areas.

3. Location of existing sources of public water supply, service areas, and exclusive service areas

The Department closely examined public water supply watersheds, service areas and existing exclusive service areas. It was important to ensure that as many watersheds as possible remained intact and were not split between two different public water supply management areas. *See Exhibit 6, Attachment 2.* 17 of the 215 public water supply watersheds, which are owned by seven utilities, are within two of the public water supply management areas. The other public water supply watersheds are contained within a single public water supply management area. Please note that while the state has approximately 50 active surface water systems, each surface water system may have multiple contributing watersheds. In the recommended alteration of the boundaries, the Department also minimized the number of service areas (distribution networks) that were split by a public water supply management area boundary, though in several cases it could not be avoided. Although exclusive service area (ESA) delineations will be discussed, and ultimately determined by the WUCCs, as they currently stand only three of the 67 existing ESAs are in more than one public water supply management area. The recommended alteration of the boundaries of the public water system management areas contain a similar number of drinking water watersheds and service areas that are split between two different public water supply management areas as the preliminary alteration. The Department received comments regarding the alteration of the boundaries of the public water supply management areas based on the location of existing sources of public water supply, service areas and franchise areas. *See, e.g.,* May 20, 2014 Letter from Kenneth Skov, Aquarion Water Company, to the Department, May 22, 2014 Letter from Robert Longo, Superintendent, city of Bristol Water Department, to the Department, and May 20, 2014 Letter from Samuel S. Gold, Executive Director, Central Naugatuck Valley Council of Governments, to the Department.

4. Existing interconnections between public water systems

The Department considered existing interconnections between public water systems in delineating the recommended altered boundaries of the public water supply management areas. While 122 of the 127⁵ existing active interconnected public water systems are all located in only one public water supply management area, there are several interconnections that are located in more than one management area. The Department does not consider the location of an interconnection in more than one public water supply management to be detrimental or problematic. Rather, having interconnections in more than one public water supply management area may actually encourage statewide communication during water supply planning, emergencies, and preparedness. The Department did not receive any comments regarding the alteration of the boundaries of the public water supply management areas based on the location of existing interconnections between public water systems.

5. Municipal and council of governments (COG) boundaries

In the Department's recommended altered boundaries of the public water supply management areas, municipal and regional council of governments (COG) boundaries are kept whole and not split between two or more public water supply management areas. *See* Exhibit 6, Attachment 3. While the COG boundaries are kept whole, more than one COG is located in each of the public water supply management areas. Keeping such boundaries whole provides consistency with regional and local delineations. In addition, as stated in comments received from OPM, aligning the public water supply management area boundaries with the COGs will increase the level of municipal and regional participation in the WUCC process. *See* May 13, 2014 Letter from W. David LeVasseur, Acting Undersecretary, Intergovernmental Policy, OPM, to the Department; *see also* July 9, 2014 Letter from Michael Maniscalco, Town Manager, town of East Hampton, to the Department and Testimony of Mark Decker, Water Integrity Manager, Norwich Public Utilities, Member, Southeast WUCC and Member, Southeastern Connecticut Council of Governments, May 19, 2014 Hearing Transcript, pp. 8-9.

6. Natural drainage basins

In the Department's recommended altered boundaries of the public water supply management areas, natural drainage basins are followed as closely as possible. The Department received both oral and written comments at the public hearings and during the public comment period that recommended that the public water supply management area boundaries align with the natural drainage basins. *See, e.g.,* May 15, 2014 Letter from First Selectman Richard Barlow, Town of Canton, to the Department. If the public water supply management area boundaries were delineated to align with the natural drainage basins, 74 municipalities and each of the nine COGs would be split into more than one public water supply management area. In response to the comments received, rather than altering the boundaries of the public water supply management areas so that there are four areas, as proposed in the preliminary alteration of the boundaries, the Department recommends altering the boundaries of the public water supply management areas so that there are three areas. By altering the boundaries as recommended, the boundaries of the public water supply management areas to more closely align with the natural drainage basins. *See* Exhibit 6, Attachment 4.

7. Topographic and geologic characteristics

The Department considered topographic and geologic characteristics in delineating the recommended altered boundaries of the public water supply management areas. Topographic characteristics often mimic underlying geologic conditions. The state consists of hilly terrain comprised of metamorphic rock

⁵ The number of interconnections is based on current information in the Department's files.

in both the eastern and western portions. The central portion of the state contains the Hartford rift basin, which extends from the New Haven area into central Massachusetts. The Hartford rift basin, which is contained mostly within the Central Corridor public water supply management area, is comprised of sedimentary rock with igneous (basalt) ridges and is the main unique bedrock and topographic feature in the state. As such, the Western and Eastern public water supply management areas have similar topographic and geologic characteristics, whereas the Central Corridor public water supply management area's topographic and geologic characteristics are dissimilar. While topographic and geologic characteristics were not a major consideration in delineating the public water supply management areas, it is coincidence that the areas are delineated in such a way that the recommended delineation closely follows major topographic and geologic characteristics. The Department did receive one comment regarding the alteration of the boundaries of the public water supply management areas based on topographic and geologic characteristics, *see* Testimony of Richard Barlow, Member, Farmington Valley Collaborative, May 15, 2014 Hearing Transcript, p. 9, but has determined that the comment does not provide support for delineating the public water supply management areas differently than as recommended.

8. Other factors

The Department also considered two other factors in delineating the recommended altered boundaries of the public water supply management areas. First, it considered the 21 local health districts to determine what impact the recommended altered boundaries of the public water supply management areas would have on each of them. If the recommended altered boundaries are finalized, only four of the 21 local health districts would be split such that the towns that make up a local health district would be located in more than one public water supply management area. The Department did receive comments regarding the impact of the alteration of the boundaries of the public water supply management areas on local health districts. *See, e.g.*, May 22, 2014 Letter from Robert Longo, Superintendent, city of Bristol Water Department, to the Department. The Department has determined that, while it did consider the impact the recommended altered boundaries will have on the local health districts, the geographical location of a town in a public water supply management area is more important.

Second, the Department considered the administration of the WUCCs based on the size of each of the three recommended altered public water supply management areas. In the Western public water supply management area, there are 985 potential members, including 195 community public water systems. In the Central Corridor public water supply management area, there are 871 potential members, including 185 community public water systems. Finally, in the Eastern public water supply management area, there are 636 potential members, including 159 community public water systems. While the numbers of potential members in each of the public water supply management areas are large, the Department has determined that such numbers are not insurmountable. With appropriate rules and procedures in place as required by *Conn. Gen. Stat.* § 25-33f, and with the assistance of a contractor hired by the Department pursuant to *Conn. Gen. Stat.* § 25-33j to provide services to the WUCCs, the WUCCs can make decisions and complete plans required in such a way that facilitates the maximum participation of WUCC members. The Department received comments regarding the administration of the WUCCs based on the size of each public water supply management area. *See, e.g.*, May 21, 2014 Letter from Larry L. Bingaman, President and Chief Elected Official of Regional Water Authority, to the Department, May 23, 2014 Letter from Donna M. Culbert, Director of Health, and George Benson, Director of Planning and Land Use, Newtown District Department of Health, to the Department, and May 23, 2014 Letter from Elizabeth Gara, Executive Director, Connecticut Water Works Association, to the Department.

9. Recommendation

Based on the consideration of the factors in *Conn. Gen. Stat. § 25-33e(a)* and the written and oral comments received at the public comment hearings and during the public comment period, the Department recommends that the Commissioner of Public Health finalize the altered boundaries of the public water supply management areas as shown on the map in Exhibit 3, which are different than the preliminarily altered boundaries of the public water supply management areas. The preliminarily altered boundaries of the public water supply management areas proposed four areas and the recommended final altered boundaries of the public water supply management areas proposes three areas.

B. Evaluation of the *Conn. Gen. Stat. § 25-33e(b)* Priorities

In altering the priorities, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat. § 25-33e(b)*, is required to consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, and (3) unreliable water service. The Department recommends that the Commissioner of Public Health establish the following final altered priorities: first, the Western public water supply management area, second, the Central Corridor public water supply management area, and third, the Eastern public water supply management area.

The Department recommends that the Western public water supply management area be convened first because such area has the greatest uncoordinated planning. Specifically, the majority of the public water systems located in the Western public water supply management area have not been involved previously in the WUCC process and therefore have not been involved in much coordinated water planning.

The Department recommends that the Central Corridor public water supply area be convened next because many of the public water systems located in the Central Corridor area were in a previously convened WUCC and participated in coordinated water planning. Finally, the Department recommends that the Eastern public water supply management area be convened last because many of the public water systems located in the Eastern public water supply management area were part of the only WUCC, the Southeastern WUCC, to have a coordinated water system plan approved by the Commissioner of Public Health.

EXHIBIT 1

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

NOTICE OF HEARINGS

The Commissioner of Public Health hereby gives notice in accordance with § 25-33e of the Connecticut General Statutes (*Conn. Gen. Stat.*) and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies that two public hearings have been scheduled regarding the alteration of the boundaries of the public water supply management areas and the priorities for initiation of the Water Utility Coordinating Committee (WUCC) planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. The first hearing will be held on May 15, 2014 at 10:00 a.m. at the Brookfield Town Hall in Brookfield, Connecticut for public comment. A second hearing will be held on May 19, 2014 at 10 a.m. at the Southeastern Connecticut Council of Governments in Norwich, Connecticut for public comment. The scheduling of this matter is subject to change. You are urged to call (860) 509-7566 the day before the hearings to verify this schedule.

In addition, all interested persons are invited to submit written comments to the Department on or before May 23, 2014 to: Kathryn Keenan, Legal Office, Department of Public Health, 410 Capital Avenue, MS #13PHO, P.O. Box 340308, Hartford, Connecticut 06134.

On March 6, 1985, in accordance with Public Act 85-535 and *Conn. Gen. Stat.* § 25-33e, the Commissioner of Public Health delineated the final boundaries of the public water supply management areas ("the 1985 Boundaries") and established the first three priorities for initiation of the WUCC planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. The Commissioner of Public Health established the last four WUCC priorities on October 30, 1995.

Pursuant to *Conn. Gen. Stat.* § 25-33e and § 25-33h-1(j) of the Regulations of the Connecticut State Agencies, the Commissioner of Public Health, in consultation with the Public Utilities Regulatory Authority, the Commissioner of Energy and Environmental Protection and the Secretary of Policy and Management, has preliminarily altered the 1985 Boundaries and the priorities for initiation of the WUCC planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive.

In making such alteration of the 1985 Boundaries, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat.* § 25-33e(a), is required to consider the following factors:

- (1) The similarity of water supply problems among water companies operating in the preliminary management area;
- (2) population density and distribution in the area;
- (3) the location of existing sources of public water supply, service areas or franchise areas;
- (4) existing interconnections between public water systems;
- (5) municipal and regional planning agency* boundaries;
- (6) natural drainage basins;
- (7) topographic and geologic characteristics; and
- (8) any other factor he deems relevant.

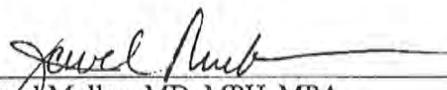
A copy of a map of Connecticut containing the preliminarily altered boundaries is attached.

In altering the priorities, the Commissioner of Public Health, pursuant to *Conn. Gen. Stat.* § 25-33e(b), is required to consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, and (3) unreliable water service. The preliminarily altered priorities established are first Northeastern, second Western, third Central Corridor, and fourth Southeastern. The intent is to convene all four WUCC areas within a six month timeframe.

Pursuant to *Conn. Gen. Stat.* §19a-2a, the hearing shall be conducted by Kathryn Keenan, who is hereby appointed as Hearing Officer.

4/15/2014

Date



Jewel Mullen, MD, MPH, MPA
Commissioner

EXHIBIT 2

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

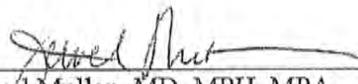
NOTICE OF CONTINUED HEARING
AND EXTENSION OF PUBLIC COMMENT PERIOD

The Commissioner of Public Health held two hearings for public comment regarding the alteration of the boundaries of the public water supply management areas and the priorities for initiation of the Water Utility Coordinating Committee (WUCC) planning process established in *Conn. Gen. Stat.* §§ 25-33f to 25-33h, inclusive. The Commissioner held the first hearing on May 15, 2014, at the Brookfield Town Hall, 100 Pocono Road in Brookfield, Connecticut, and the second hearing on May 19, 2014, at the Southeastern Connecticut Council of Governments, 5 Connecticut Avenue, in Norwich, Connecticut. The Commissioner of Public Health hereby continues those hearings to June 16, 2014, at 1:00 p.m. at the Department of Transportation, 2800 Berlin Turnpike, in Newington, Connecticut to obtain additional public comment. The scheduling of this matter is subject to change. You are urged to call (860) 509-7333 the day before the hearing to verify this schedule.

In addition to continuing the hearings, the Commissioner of Public hereby extends the time by which all interested persons are invited to submit written comments to the Department of Public Health from on or before May 23, 2014 to on or before July 15, 2014. Persons interested in submitting written comments should submit such comments to: Justin Milardo, Department of Public Health, Drinking Water Section, 410 Capitol Avenue, MS#51WAT, P.O. Box 340308, Hartford, Connecticut 06134-0308. All comments received to date are posted to the [DPH WUCC website](#). The hearing transcripts will be posted to the website as soon as they become available.

5/29/2014

Date


Jewel Mullen, MD, MPH, MPA
Commissioner



Phone: (860) 509-7333 • Fax: (860) 509-7359 • VP: (860) 899-1611
410 Capitol Avenue, MS#51WAT, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

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STATE OF CONNECTICUT
DEPARTMENT of HEALTH SERVICES

NEWS RELEASE



PUBLIC HEALTH EDUCATION SECTION
150 Washington St. Hartford, Connecticut 06106
Telephone 566-4800

FOR IMMEDIATE RELEASE
Contact: Beth Weinstein, 566-2048

March 5, 1986

STATE SETS BOUNDARIES FOR DRINKING WATER PLANNING AREAS

The state Department of Health Services today released final boundary lines for Public Water Supply Management Areas required by a 1985 state law.

The seven regions mapped out by the department are labeled North West Hills, Housatonic, Southwest, Upper Connecticut River, South Central, Northeast and Southeast.

The 1985 legislation requires the health department to set up the boundaries and lays the groundwork for a new system to coordinate drinking water supplies and plan for future needs across the state. The "Connecticut Plan" passed by the 1985 Connecticut General Assembly encourages public water supply utilities and regional planning agencies to work together in districts overseen for planning purposes by a Water Utility Coordinating Committee in each district.

Today's announcement marks the end of a six-month-long health department priority-setting process which included public hearings and meetings on proposed boundaries and proposed priorities for the plan.

In accordance with the law, the department has already targeted one region -- the Housatonic (greater Danbury) Area -- as its top priority. Special attention will be focused there first because of the area's growing population and proliferation of small water companies.

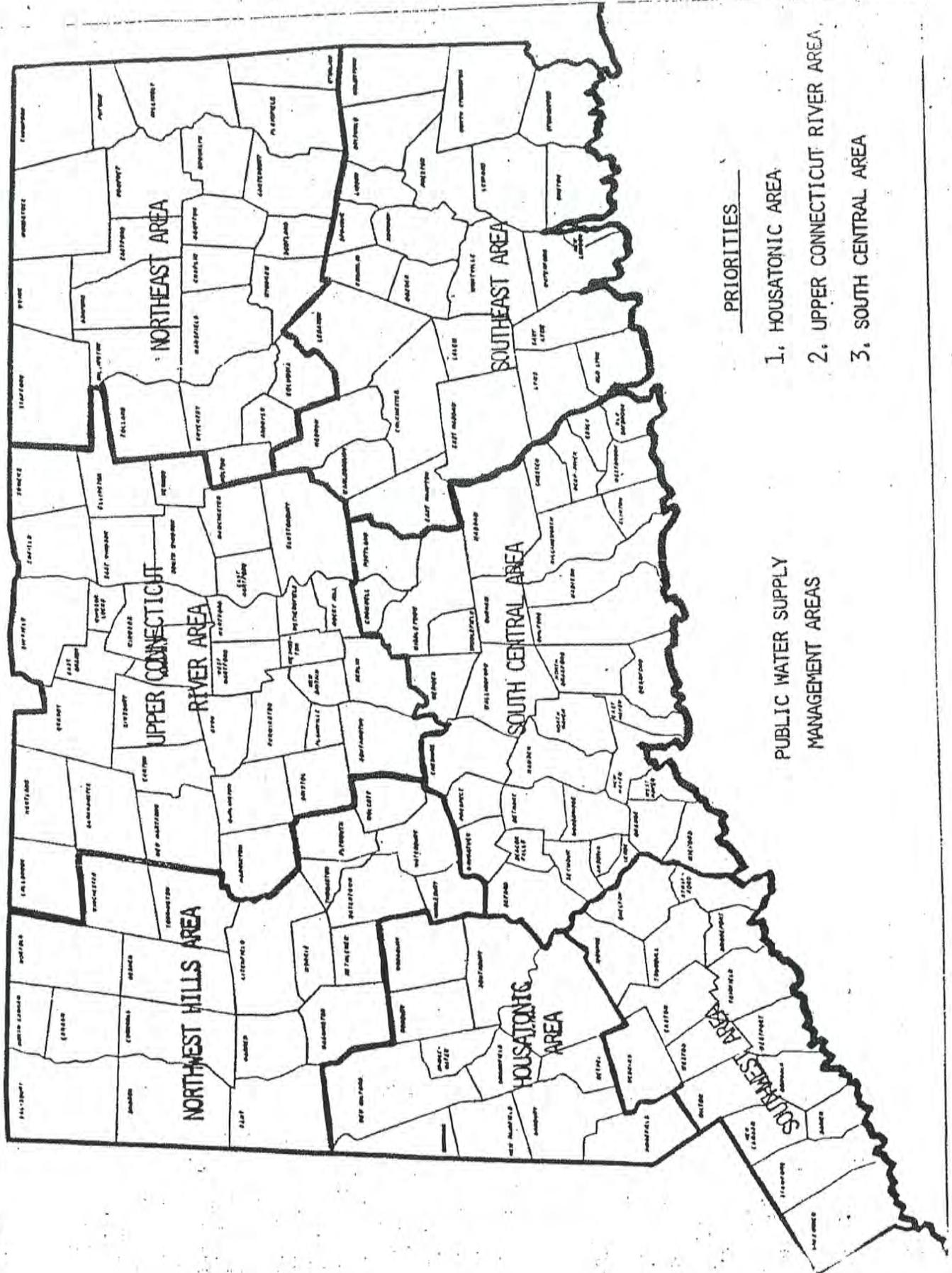
(water boundaries -2-2-2)

The Upper Connecticut River (greater Hartford) and South Central (greater New Haven) Areas have been selected as the number two and three priorities and planning committees will be established in each of those areas during the second and third years under the new system.

The other four water management regions have not yet been ranked in priority.

-30-

EDITORS: Map with final boundary lines enclosed.



PRIORITIES

1. HOUSATONIC AREA
2. UPPER CONNECTICUT RIVER AREA
3. SOUTH CENTRAL AREA

PUBLIC WATER SUPPLY
MANAGEMENT AREAS

EXHIBIT 5



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES

RE: WATER UTILITY COORDINATING COMMITTEE PRIORITY AREA HEARING

FINAL MEMORANDUM OF DECISION

In accordance with Connecticut General Statutes Section 25-33e(b), the attached Proposed Memorandum of Decision dated September 22, 1995 by Hearing Officer Denise M. Ruzicka is hereby adopted as the final decision of the Commissioner of the Department of Public Health in this matter. A copy of the proposed memorandum of decision is attached hereto and incorporated herein.

30 Oct 95
Date

Stephen A. Harriman
Stephen A. Harriman
Commissioner
Department of Public Health

SAH/DR/ml

cc: Atty. Richard J. Lynch, Assistant Attorney General
Warren Wollschlager, Bureau Chief, BHSR
Gerald Iwan, Chief, WSS

9912E



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WATER UTILITY COORDINATING COMMITTEE
PRIORITY AREA HEARING

- A. PURPOSE OF HEARING
- B. STATUTORY/REGULATORY REQUIREMENTS
- C. HEARING PROCEDURE
- D. PRELIMINARY WUCC PRIORITIES
TESTIMONY OF THE DEPARTMENT OF PUBLIC HEALTH
- E. SUMMARY OF COMMENTS
- F. RECOMMENDATION

DR/jpt
9912E

WATER UTILITY COORDINATING COMMITTEE
PRIORITY AREA HEARING

A. PURPOSE OF HEARING

The purpose of the hearing was to accept public comments on proposed priorities for convening and initiating planning in the remaining four (4) Water Utility Coordinating Committee (WUCC) areas.

Legislation enacted in 1985 established a process for areawide water supply coordination. The Connecticut Plan for Public Water Supply Coordination, pursuant to Connecticut General Statute Section 25-33e, requires the Department of Public Health (DPH) to divide the State into regions and to set priorities among the regions for initiation of the coordinated water supply planning process. Seven (7) public water supply management areas were delineated in 1985: Northwest Hills Area, Upper Connecticut River Area, Northeast Area, Southeast Area, South Central Area, Southwest Area, and Housatonic Area. The established boundaries of these public water supply management areas are shown on the map labeled Attachment 1. The boundaries for the Public Water Supply Management Areas were adopted by the Commissioner of Public Health after considerable public comment, agency input, and a series of public hearings held in accordance with Connecticut General Statute 25-33e(a) and (b). Areas are generally known as Water Utility Coordinating Committee or WUCC areas in reference to the committee which undertakes the planning process.

The WUCC planning process is designed to bring together utility representatives and local officials to discuss long-range water supply issues and develop an areawide water supply plan. The content of the WUCC plan is established by Connecticut General Statute Section 25-33g through 25-33i and Section 25-33h-1(d) et seq of the Regulations of Connecticut State Agencies. The WUCC plan addresses future potable water needs and concerns, and identifies potential conflicts over future water supply sources, competition for future service areas, and areas of anticipated growth where public water supply is not currently available. The WUCC process provides for the individuals who will be most affected by the committee's decisions (the utilities, the Regional Planning Agencies and interested citizens) to be involved and direct the outcome.

In accordance with Connecticut General Statute Section 25-33f, the WUCC members are comprised of representatives of public water systems and regional planning organizations within the area.

At the initiation of the WUCC process, the first three priority WUCC areas were established in the following order: Housatonic Area, Upper Connecticut River Area, and the South Central Area. Draft WUCC plans for these three areas have been completed.

B. STATUTORY/REGULATORY REQUIREMENTS

In accordance with Section 25-33h-1(b)(1) of the Regulations of Connecticut State Agencies, the Department of Public Health, in consultation with the Department of Environmental Protection, the Department of Public Utility Control, and the Office of Policy and Management set preliminary priorities for initiation of the planning process in the remaining four (4) WUCC areas. The preliminary priorities were established as follows:

- (1) Southeast Area
- (2) Southwest Area
- (3) Northeast Area
- (4) Northwest Hills Area

The Southeastern Area was preliminarily identified as the highest priority due to uncoordinated regional water supply planning, the proliferation of small water companies, and numerous overlapping future service areas.

Section 25-33e(b) of the Connecticut General Statute requires a departmental hearing on WUCC priorities. In compliance with this requirement a public hearing was held on Monday, June 26, 1995. The public hearing was legally noticed in the following publications: Norwich Bulletin, The Bridgeport Post, New Haven Register, New London Day, Hartford Courant, The Register Citizen (Torrington/Winsted), and the Waterbury Republican-American.

In accordance with Connecticut General Statute Section 25-33e(b) the criteria which must be considered in establishing the final priorities for initiation of the WUCC process is the consideration of the existence and severity of the following in each management area:

- (1) Uncoordinated planning
- (2) Inadequate water supply
- (3) Unreliable water service
- (4) and any factor the Commissioner deems relevant

C. HEARING PROCEDURE

A public hearing was held on Monday, June 26, 1995 to accept public comment on proposed priorities for convening and initiating planning in the remaining four (4) Water Utility Coordinating Committee areas as established pursuant to Connecticut General Statute Section 25-33e. The public hearing took place at 10:00 A.M. in Room 1C of the State Legislative Office Building located on Capital Avenue in Hartford, Connecticut. The hearing notice is attached (Attachment 2).

Pursuant to Connecticut General Statute Section 19a-2a, Denise Ruzicka was appointed by the Commissioner to be hearing officer for the above referenced hearing (Attachment 3) and was authorized to render a proposed final decision in this matter.

A verbatim transcript of the hearing is attached and labeled Attachment 4. A list of hearing attendees and speakers is attached and referenced as Attachment 5A and Attachment 5B respectively.

At the close of the public hearing, the record was held open until July 31, 1995 in order to accept written comments on the proposed WUCC priorities.

D. PRELIMINARY WUCC PRIORITIES

Testimony of the Department of Public Health

On behalf of the Department, testimony was provided by Ms. Lori Mathieu, Planning Analyst, Water Supplies Section, Department of Public Health. Ms. Mathieu provided testimony as to the criteria for determination of WUCC priorities, the process for consultation with the referenced state agencies and the determination of the preliminary WUCC priorities. Testimony supported the preliminary priority ranking order.

In summary, the Department's staff testimony indicated that the Southeast WUCC Area was preliminarily identified as the highest priority due to the following general concerns, numerous overlaps among future service areas of existing utilities, potential competition between nearby utilities over future resource development, uncoordinated and lack of water supply planning among adjacent existing public water suppliers, and lack of identification and protection to future public water supply sources. A number of utilities (unspecified) are indicated to have potential financial problems associated with future water supply development and/or dealing with the regulation requirements on an individual utility basis, and concerns regarding the potential of a severe drought situation for a number of utilities. It was also indicated that sixteen (16) community water supply systems located in the Southeast WUCC area are under orders from the Department. Other issues listed were the ongoing service area conflicts among existing water supply utilities presently occurring in the Town of Ledyard, and the existence of numerous small water systems in the area. Ms. Mathieu's testimony included a table indicating that the Southeast area had, by a significant amount, the largest number of small systems amongst the remaining WUCC areas, and, as a result, the largest potential number of eligible WUCC participants [Exhibit 4]. There are approximately 134 small public water supply systems in the Southeast area serving less than 500 people.

Ms. Mathieu's testimony regarding the rationale for the second and third preliminary priority ranking stated:

"The Southwest WUCC area was named as the second priority area to be convened due to water supply concerns which existed within the Towns of Greenwich and Darien, and issues surrounding the southwest regional pipeline which is a major water supply line to numerous water utilities within the region. Also, potential conflicts may arise over the future use of the Canondale Aquifer".

She goes on to state:

"The third priority area, the Northeast WUCC area, was set to take place prior to the Northwest area due to a Department of Environmental Protection concern. The DEP's concern concentrated on the water quality concerns within the Quinnebaug and French Rivers due to high nutrient loading from Massachusetts."

No departmental testimony was presented as to the ranking of the Northwest area as the lowest priority WUCC area.

E. SUMMARY OF COMMENTS

In addition to the departmental testimony, the following individuals and organizations provided written and/or oral testimony at the public hearing. A summary of the comments are listed.

1. Office of Policy and Management, John Radasci, Memorandum dated June 23, 1995, [Exhibit 1].
2. Southwestern Regional Planning Agency, Richard C. Carpenter, Letter dated June 20, 1995, [Exhibit 2].
3. Southeastern Connecticut Council of Governments, Thomas A. Sheridan, Letter dated May 18, 1995, [Exhibit 3]. Also entered as verbal testimony of Richard Ericson of the Southeastern Connecticut Council of Governments.
4. Water Supplies Section, Department of Public Health, Lori J. Mathieu, Written Testimony of June 26, 1995 [Exhibit 4].
5. Southeastern Connecticut Water Authority, Gregory C. Leonard, Written Testimony of June 26, 1995 [Exhibit 5].
6. Town of Waterford Water Pollution Control Authority, Dennis R. Blanchette, Written Testimony [Exhibit 6].
7. Department of Environmental Protection, Robert L. Smith, Written Testimony [Exhibit 7].
8. Department of Public Utility Control, Arthur Gamache, Verbal Testimony.
9. Bridgeport Hydraulic Company, Glenn Thornhill, Vice President, letter dated July 28, 1995 [Exhibit 8].
10. Town of Killingly, R. Thomas Homan, Town Manager, letter dated July 19, 1995 [Exhibit 9].
11. The Connecticut Water Company, Marshall T. Chiaraluce, President, letter dated June 26, 1995 [Exhibit 10].
12. Connecticut River Estuary Regional Planning Agency, Linda B. Krause, Executive Director, letter dated June 27, 1995 [Exhibit 11].
13. Norwalk Second Taxing District Water Department, John M. Hiscock, General Manager, letter dated June 30, 1995 [Exhibit 12].

OFFICE OF POLICY AND MANAGEMENT (OPM) - John Radasci

Comment: OPM supports the WUCC planning process and the Southeast area as the highest priority area. The following issues are listed in support of the Southeast WUCC:

- o The relationship of The Southeastern Connecticut Water Authority to the other water utilities in the area needs to be evaluated in order to ascertain how these relationships can be enhanced.

- o Coordination needs to be improved regarding the expansion of future water supply service areas, development of future water supplies, land use development on water supply watersheds, and issues relating to water supply donor versus water supply receiver areas of an inter-town nature.
- o Interstate issues related to the supply of drinking water from Westerly to Stonington and the federal designation of the interstate Sole Source Aquifer.
- o The increase in tourism and attractions, which will generate more jobs, development, and tourists with specific focus on the impacts of the casinos.
- o Planned transportation improvements, which should generate increased activities and which may have potential impacts on supplies.

Response: The Exhibit supports the Southeast WUCC as highest (first) priority.

SOUTHWESTERN REGIONAL PLANNING AGENCY - Richard C. Carpenter

Comment: The commentor indicates willingness to participate on WUCC Committee for Southwest Area. Requests additional information on State priority evaluation.

Response: No response necessary. No opinion offered as to WUCC priorities. Refer request for information to Departmental Staff.

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS - Thomas A. Sheridan

Comment: Stresses urgency for establishment of a WUCC in the Southeastern area.

Response: Exhibit support Department's preliminary WUCC priority.

WATER SUPPLIES SECTION, DEPARTMENT OF PUBLIC HEALTH - Lori Mathieu

Comment: Testimony establishes departmental rationale for preliminary WUCC priorities. Testimony is discussed in more detail in previous section.

Response: Testimony supports Department's preliminary WUCC priorities.

SOUTHEASTERN CONNECTICUT WATER AUTHORITY (SCWA) - Gregory Leonard

Comment: Supports need for Southeast WUCC. Potential conflicts in service area delineation between many water utilities in Southeastern Connecticut, including SCWA.

Response: Testimony supports Southeast WUCC as highest (first) priority.

TOWN OF WATERFORD WATER POLLUTION CONTROL AUTHORITY - Dennis R. Blanchette

Comment: Supports proposed priorities for initiation of remaining WUCC Areas. Supports regional approach and Southeast WUCC as next, first (highest) priority.

Response: Testimony supports Department's preliminary WUCC priorities.

DEPARTMENT OF ENVIRONMENTAL PROTECTION - Robert L. Smith

Comment: Supports preliminary priorities for remaining four (4) WUCCs. Three reasons supporting Southeast as first (highest) priority: many small utilities, lack of substantial water supply coordination among small utilities, and problem of overlapping future service areas.

DEPARTMENT OF PUBLIC UTILITY CONTROL - Arthur Gamache, Supervisor Water Unit, (representing Commissioner Reginald Smith).

Comment: DPUC support and concurs with preliminary ranking of WUCC priorities 1) Southeastern Area; 2) Southwest Area; 3) Northeast Area, 4) Northwest Area.

Response: Testimony supports Department's preliminary WUCC priorities.

BRIDGEPORT HYDRAULIC COMPANY (BHC) - Glenn Thornhill

Comment: BHC recommends that the Southwest WUCC area be made the lowest priority:

- o Joint planning efforts in Southwest already successful;
- o Little additional regional planning is necessary;
- o Multiple interconnections in place between adjoining systems;
- o Limited number of utilities involved;
- o Mature and well developed area;
- o Little growth and change anticipated in next 10 years.

BHC supports the WUCC process as important to overall State water supply management. They note that much planning has already been performed in the Southwest area and little new regional planning is needed. Specific supportive examples are given:

- o Southwestern Regional Pipeline contracts are in place which provide for regional supply commitments for safe yield and/a emergency supplies.
- o Further public water supply system consolidation underway with acquisition of New Canaan Water Company (NCWC) and Ridgefield Water Company by BHC.
- o Stamford Water Company is part of BHC and all planning is coordinated with BHC.

o Connecticut-American Water Company has recently undergone extensive evaluation by DPUC and DPH and has put in place a plan to improve supply and delivery capabilities.

o Almost all NCWC supply is provided by BHC's Southwestern Regional Pipeline with long term commitments in place.

o NCWC Reservoir is to be sold to Norwalk Second Taxing District to enhance supply capability.

o Multiple interconnections in place between Norwalk Second and Norwalk First Districts, as well as with Connecticut-American in Darien.

o Norwalk First connected to BHC distribution system, providing numerous points for emergency feeds.

o No short-term plan to utilize Cannondale aquifer in near future.

o BHC has sufficient existing supplies to meet long term needs of the entire southwest area.

BHC concludes that due to above factors, the need to further study this area would be premature.

Response: Comments convincingly point to high degree of utility interconnection, integration, consolidation, and cooperative supply planning. DPH's own testimony confirms that the Southwest area has the least number of affected public water suppliers. It is important to recognize that a unique feature of this planning program is that it is locally directed with solutions emanating from the WUCC area itself. This factor creates a heightened sensitivity to local viewpoints when establishing WUCC priorities. Therefore, DPH agrees with commentor that Southwest WUCC area should be the lowest priority. BHC presents a strong argument that the intent of the WUCC planning process is well established in the Southwest area. DPH agrees that need for additional regional planning in the Southwest area is very low.

TOWN OF KILLINGLY - R. Thomas Homan

Comment: The town looks forward to participating in Northeast WUCC. The Town of Killingly believes the WUCC process for the Northeast area would be helpful to the town:

- o Process will help determine the town's service area;
- o Facilitate possible acquisition of Killingly Industrial Park by Crystal Water Company;
- o Need to determine future of Powdrell and Alexander community system.

Response: Town of Killingly supports WUCC planning process for Northeast WUCC area. While not explicitly advocating a position as to WUCC priorities, this commentor provides a rationale for a higher ranking for the Northeast WUCC area. The modification of WUCC ranking for the Southwest area from second to fourth results in shifting of the Northeast area to a higher ranking from third to second

THE CONNECTICUT WATER COMPANY (CWC) - Marshall T. Chiaraluce

Comment: CWC supports the WUCC program and agrees that the Southeast WUCC should be the first priority:

- o Critical for the orderly development of service areas;
- o Encourages DPH to secure funding;
- o Uncoordinated planning best addressed through WUCC;
- o Small system and seasonal issues;
- o Found the process productive in previous WUCC's.

CWC further suggests that "...the assignments of the priorities for the future WUCCs be deferred...", because of:

- o New laws for regulation of small water systems.
- o Potential impact of new legislation.

Response: CWC concurs with Southeast WUCC as highest priority. WUCC process should not be delayed in anticipation of regulatory changes. Modification of regulations is always possible. Implication of not moving forward in initiating or convening WUCCs is separate from priority setting issue which is the subject of this hearing. The establishment of priorities is necessary for the Department so that the necessary resources and funding can be devoted to each area.

CONNECTICUT RIVER ESTUARY REGIONAL PLANNING AGENCY (CT RIVER RPA) - Linda B. Krause

Comment: The CT River RPA concurs with the Southeast WUCC as the highest priority:

- o Two towns located in the RPA region are in Southeast WUCC;
- o Fragmented WUCC region;
- o Projected growth from Pequot ventures and related development;
- o Current area will result in confusion and conflict without WUCC process;
- o Conflicting plans;
- o They look forward to participating in the WUCC process.

Response: Supports the Southeast WUCC area as the highest (first) priority. No change necessary.

NORWALK SECOND TAKING DISTRICT WATER DEPARTMENT (NSTD) - John M. Hiscock

Comments: NSTD concurs with the Southeast WUCC as highest priority:

- o Numerous problems within the Southeast area.
- o Service territory conflicts and control issues.

Suggests that scheduling WUCCs other than first priority is premature at this time. He expresses opposition to the Southwest as second priority and advocates the Southwest WUCC as lowest priority:

- o Past legislative year may change the planning process.
- o Scheduling additional WUCCs this far in advance before planning regulations are rewritten will not serve the needs of the state.
- o Three final WUCC areas should be determined next year.
- o Puzzled to see Southwest listed as second priority.

The Southwest should not be listed as second priority because the region satisfies the four criteria for establishing WUCC priorities i.e., Uncoordinated Planning, Inadequate Water Supply, Unreliable Water Service, Other Relevant Factors.

- o Uncoordinated Planning - Only six utilities of expected consequence in the WUCC process. Of those six, three will be owned by a single company. No evidence of uncoordinated planning presently.
- o Inadequate Water Supply - Issue of inadequate supply in the Southwest resolved through contracts, construction, regional pipelines, and other facilities. Each company with inadequate supply has a contract with BHC which will provide necessary supply. WUCC not necessary.
- o Unreliable Water Service - Water is supplied by a few large companies and most of the region is with public supply. There is no reason to consider the public water supply unreliable.
- o Other Relevant Factors - NSTD does not believe there are any other relevant factors. The only conceivable other relevant factor is the incorporation of unserved areas into the future service areas of the utilities.

The state's resources would be much better utilized by addressing the Northeast and Northwest management areas.

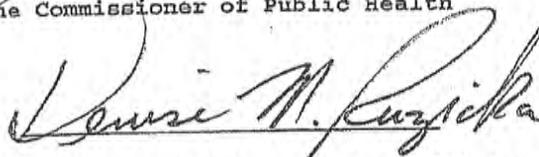
- Response:
- a) Comments concur with Departmental position that Southeast WUCC should be the highest priority. No change necessary.
 - b) No cause to delay WUCC priority setting (see response above to Connecticut Water Company).
 - c) DPH agrees that Southwest WUCC should be moved to lowest priority ranking (see also response to BHC)

F. RECOMMENDATION:

Based on oral and written testimony, the Department of Public Health establishes the following WUCC priorities:

1. Southeast Area
2. Northeast Area
3. Northwest Area
4. Southwest Area

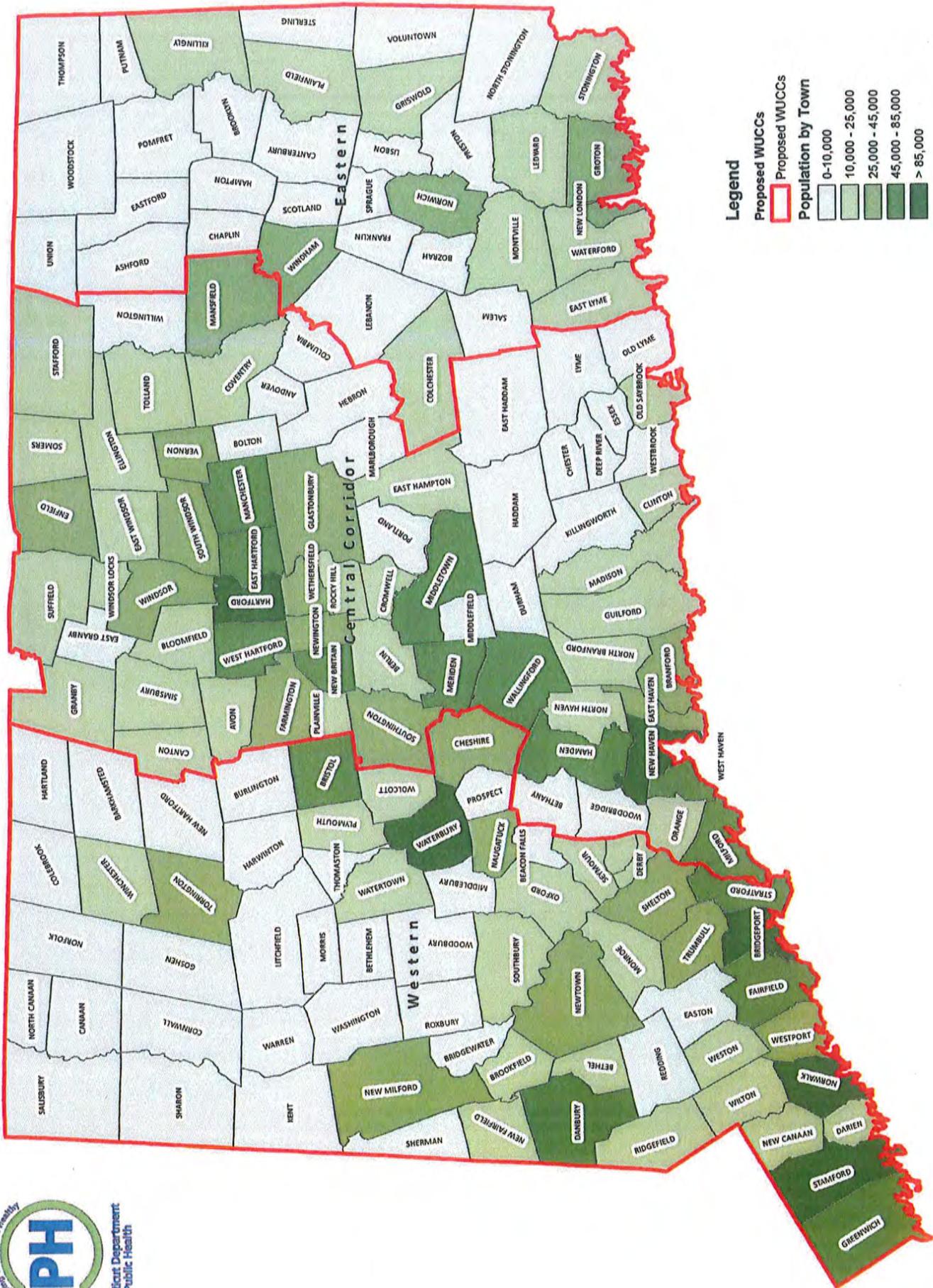
Entered as a proposed Final Order of the Commissioner of Public Health this 22 day of September, 1995.

A handwritten signature in cursive script, reading "Denise M. Ruzicka". The signature is written in dark ink and is positioned to the right of the date text.

Denise M. Ruzicka, Hearing Officer

Population Density and Distribution

Exhibit 6, Attachment 1

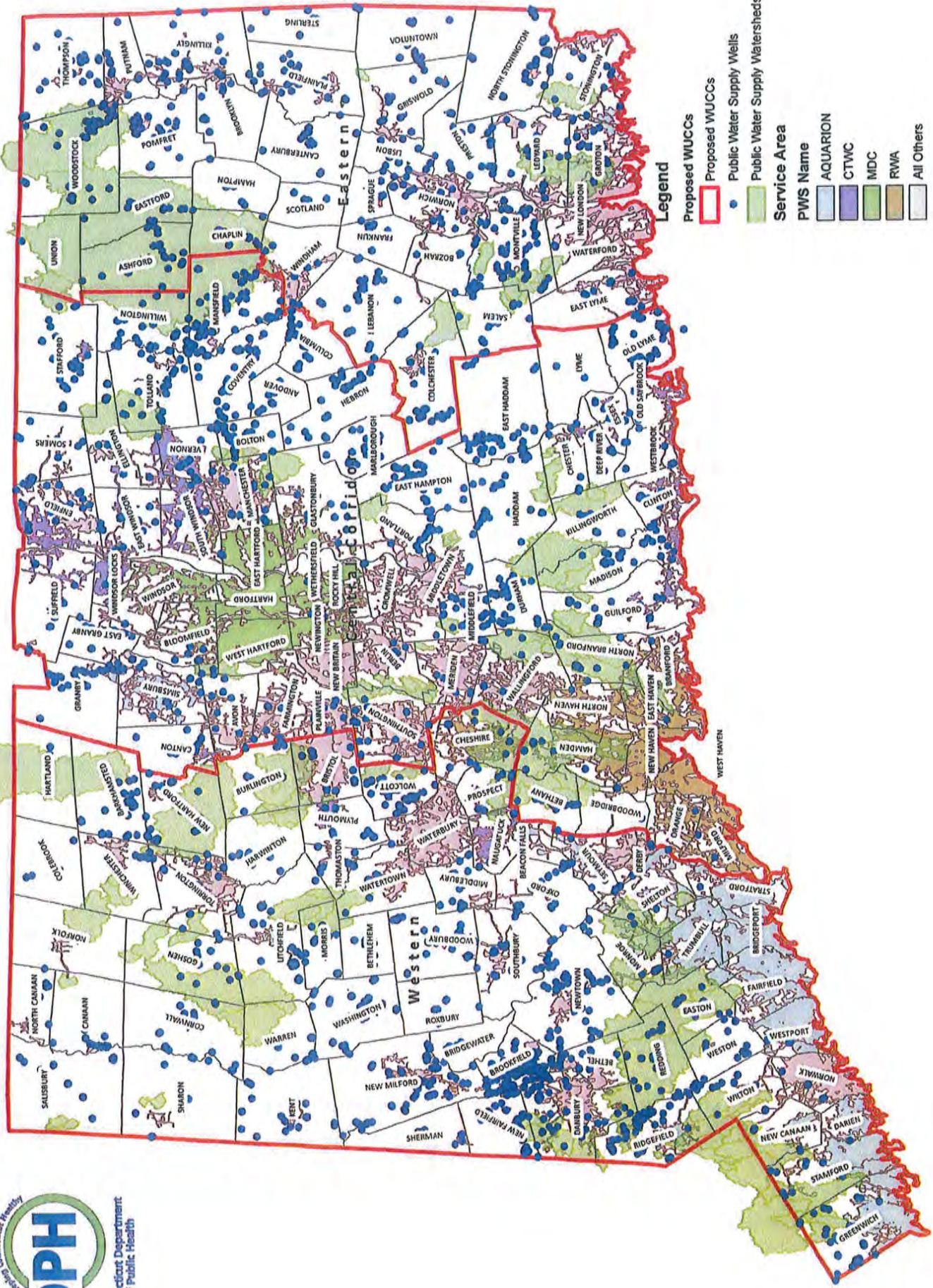


Legend

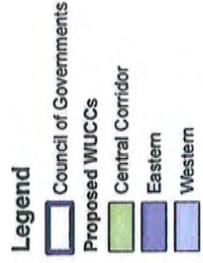
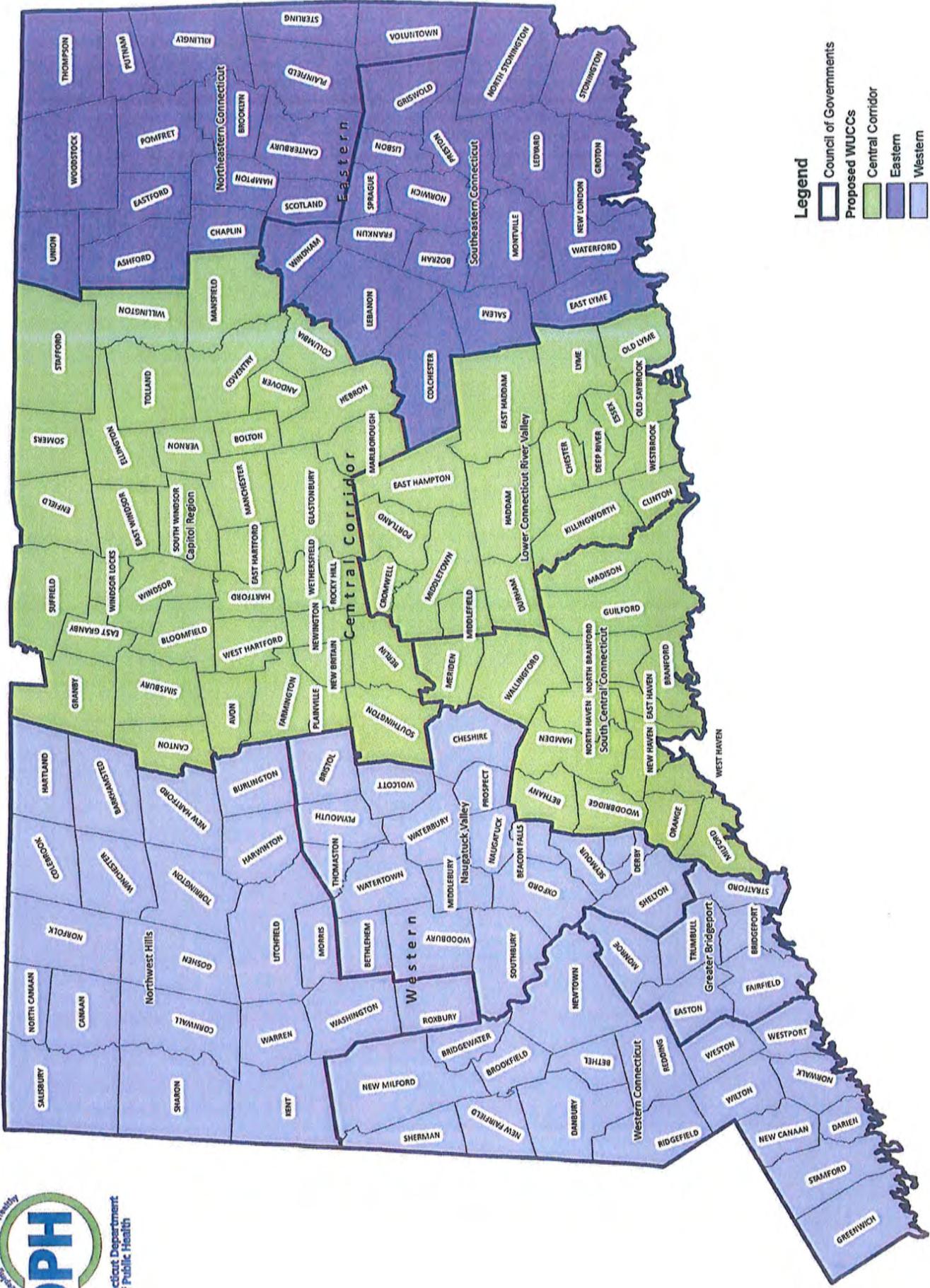
Proposed WUCCs Proposed WUCCs

Population by Town

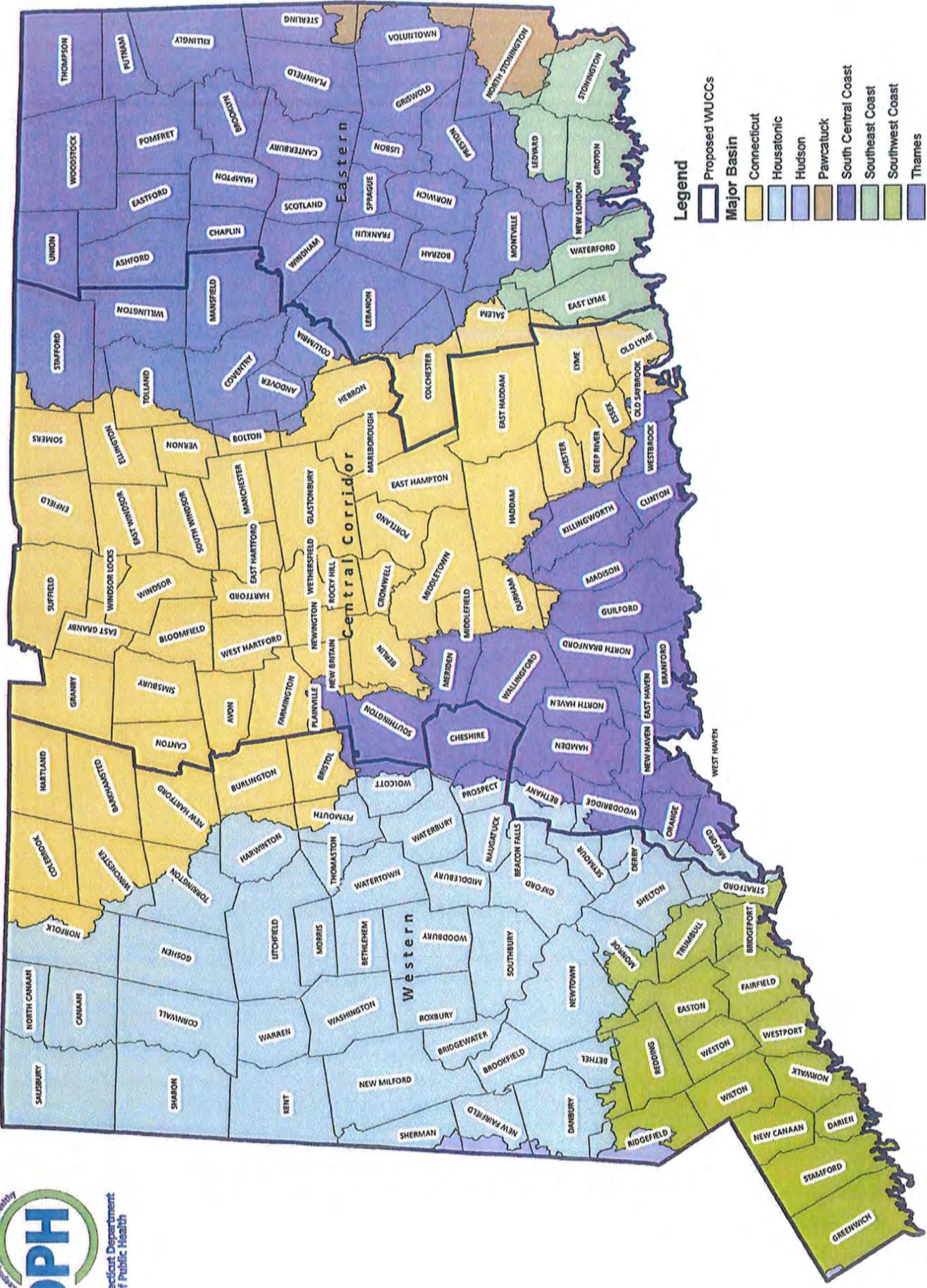
- 0-10,000
- 10,000 - 25,000
- 25,000 - 45,000
- 45,000 - 85,000
- > 85,000



Municipal and Council of Governments Boundaries



Major Natural Drainage Basins



Legend

- Proposed WUCCs
- Major Basin
- Connecticut
- Housatonic
- Hudson
- Pawcatuck
- South Central Coast
- Southeast Coast
- Southwest Coast
- Thames

