

Water Planning Council Advisory Group

**May 19, 2015
Meeting Minutes**

A meeting of the Water Planning Council Advisory Group (WPCAG or group) was held at the [Public Utilities Regulatory Authority](#) (PURA), in New Britain, Connecticut, at 1:30 p.m.

Members Present:

Gil Bligh	City of New Britain
Virginia de Lima	USGS CT Water Science Center
John Hudak	South Central CT Regional Water Authority
Margaret Miner	Rivers Alliance
Robert W. Wesneski	Avon Water Company
Maureen Westbrook	Connecticut Water Company
Bob Young	Middletown Water & Sewer Department

Members by Phone:

Jennifer Kertanis	Farmington Valley Health District
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Other Attendees:

Tom Callahan	WPC project management
Alicea Charamut	CRWC
David Kuzminski	Town of Portland
George S. Logan	Aquarion
Gail Lucchina	PURA
Matt Pafford	OPM
Martha Smith	West River Watershed Coalition
Bruce Wittchen	OPM

Members Absent:

Eric Brown	CBIA
Karen Burnaska	Endangered Lands Coalition/CFE
James Butler	SCCOG
Len DeJong	Pomperaug River Watershed Coalition
Greg Leonard	Southeastern CT Water Authority
Vin Ringrose	Fisheries Advisory Council
Denise Savageau	Town of Greenwich
Robert Silvestri	PSEG
Richard Sobolewski	OCC
Kevin Sullivan	Green Industry
Henry Talmage	CT Farm Bureau

1. Call to Order

The meeting was called to order at 1:37 p.m, without a quorum of members present.

2. Approval of Minutes – April 21, 2015

A quorum was not present, so the minutes of the April 21, 2015 meeting could not be approved.

3. Old Business

- a. State Water Plan – WPC, WPCAG & work group roles
- b. Other States' Plans Work Group draft report

Matt Pafford provided an update on progress with the Other States' Plans Work Group report. He noted that a 1st draft had been circulated and that the group received some, but not many comments. He added that there have been some formatting changes since that draft. There was a discussion of expectations for the report and Maureen Westbrook asked if the revision has been completed. Matt said some changes have been made and more will come following the work group's conference call yesterday. An updated draft should be available within a few weeks.

- c. WPCAG feedback/input for the visioning session

Maureen Westbrook referred to the recently approved contract for facilitation consulting services and noted that it had been provided to WPCAG members earlier today.

Tom Callahan provided an overview of the consultant selection process and said the consultant will be conducting interviews with Steering Committee members and others and will provide a report based on those. Steering Committee members are being canvassed in order to identify a date to schedule the workshop, which will probably be in late June. He noted that he does not yet know the design of the workshop as that will be part of the facilitator's work product. The workshop location is also to be determined.

Margaret Miner asked about the procurement process and the contractual arrangement, which is between UConn and the consultant. Tom Callahan explained the process and there was further discussion of the sequence that led to the signing of the contract.

Margaret Miner asked why the WPC had not gone into executive session and then come out of it to vote. Tom Callahan said the WPC approved the contract in a meeting conducted by conference call earlier in the month and noted that the meeting had been publicly noticed. Gail Lucchina added that draft meeting minutes are being reviewed and will be distributed. There was a discussion of the public notice process because a number of members said they were not aware of the meeting.

Margaret requested that notice of future meetings be sent to WPCAG members and asked Tom who had been involved in selecting the consultant. Tom said the committee had included Matt Pafford of OPM, Cheryl Chase of DEEP, Suzanne Blancaflor of DPH and Gail Lucchina of PURA. There was further discussion of the selection process and Tom said it had been unexpectedly time consuming to identify the proper procurement approach.

Maureen Westbrook noted the contract's mention of an outreach role for the consultant and pointed out the WPCAG's expected role in that. Tom Callahan said

the scope of the contract is limited to the workshop only. The details of the goals for and execution of workshop outreach are being worked out as part of the workshop design. Maureen said the WPCAG needs to be involved. Tom noted that Maureen, Margaret Miner and Virginia de Lima are Steering Committee members. They can share their thoughts on this matter during their respective individual meetings with the workshop facilitator. There was further discussion of the expected process.

John Hudak asked Tom what the consultant would ask Steering Committee members in the interviews. Tom said he does not know and there was further discussion of the process and of the background information being provided to Steering Committee members. Maureen Westbrook said the 2002 summary report being provided to Steering Committee members is an executive summary and recommended that each subcommittee's final report also be provided.

a. State Water Plan – WPC, WPCAG & work group roles

The group returned to the skipped agenda item 3a and Maureen Westbrook mentioned the broad interest in 3rd-rail questions. Virginia agreed to take notes on a flip chart (see [Attachment A](#)) to capture the comments/questions of participants (see attached).

- The first issue identified in the RFP is whether CT's existing water regulation framework is subject to change.

Maureen provided some background and Alicea Charamut noted that a number of other states look to their planning process to recommend such changes. There was a discussion of how to approach such issues and Tom Callahan said these are just examples, but are specific issues that people raise. He added that it is important to encourage such a discussion.

There was a discussion of aligning authority and accountability within agencies and Alicea Charamut recommended simplifying the regulatory approach because it can be unclear what requirement applies to whom. Margaret Miner noted that some sectors are exempt from diversion permit requirements.

Bob Young asked who will provide the funding necessary to administer long-term planning and there was a discussion of the importance of identifying who will be responsible. Bob Young noted that a 2002 work group had looked at another state that relies on a property tax for water planning and there was further discussion of the administration of and funding for planning.

- another topic to be considered is the state's restriction that only Class A waters be used for public supply.

Margaret Miner mentioned that [PA 14-163](#) requires the planning effort to consider re-use and there was a discussion of the potential scope of this topic and how people see it differently. Bob Young said CT is unique with its Class B water prohibition and Maureen said it will be important to clarify what will be considered for re-use.

There was a discussion of possible approaches and of whether the public is ready to accept such a change. There also was a discussion of the potential costs and of the

potential impact on watershed lands currently held by water companies for source protection purposes if use of class B waters is allowed. Gil Bligh mentioned he knows of a well serving another town that was found to be under the influence of a Class B stream and, because of CT's Class B prohibition, such a well cannot be used even with treatment.

Concerns were raised about emerging contaminants in Class B waters and Bob Young asked how Class B water would be moved to where it is to be used. Alicea Charamut said an iterative planning approach can address such issues if reviewed every 5-10 years. John Hudak noted the energy implications of using a Class B water source requiring greater treatment.

Maureen Westbrook said interbasin transfers are an opportunity to optimize the use of water resources, but Alicea Charamut said there must be a better process. There was a discussion of CT agencies' differing perspectives. There was a discussion of the desire by some to restrict interbasin transfers, but it can also be a solution to stream flow compliance concerns. Integrated use of water resources can also minimize impacts in more environmentally sensitive areas.

Alicea said there should be a mechanism for assigning values to the criteria used in evaluating potential transfers and Maureen noted the current impediments to such transfers. There was a discussion of how it could become necessary to change the states regulations or agencies' interpretation of them, with one example being how interconnections are counted against a system's safe yield.

- the next 3rd-rail issue that has been identified is potential changes to registered diversions.

Margaret Miner said she believes that, through the stream flow regulation process, a precedent has been set that registrations can be limited, but only for surface waters, not ground water. There was a discussion of the significance of stream flow regulations and their impact operating with a registration. There was further discussion of registrations and well safe yields, as well as a discussion of potential concerns for water companies needing new wells or having a river run dry. It is important to be aware of the limitations. It was also noted that the state lacks real data regarding quantities of water actually diverted relative to what was historically registered. The basis for registration quantities, furthermore, may have been different among different users initially.

Robert Wesneski said taking back unused registrations is a change and there should be a review at the level of a basin, a water company or an individual registration. Bob Young said a registration is placed in a particular category and cannot be transferred across categories such as from agricultural to industrial or public water supply. There was a discussion of potential approaches for providing incentives to improve water management. Robert recommended a basin by basin approach, modeling individual basins.

Maureen Westbrook said the [CT Business & Industry Association](#) (CBIA) and agriculture industry are concerned about any implications for non-public water supply registrations. Bob Young said it is not specifically a registration, but wastewater treatment facilities need a minimum stream flow for waste assimilation

and added that every change in regulations ratchets up the need for stream flow. There was a discussion of diversion permit needs and of the differences from registrations.

Maureen Westbrook asked members to provide any further questions about the process to her or to Margaret so they can be conveyed to the Steering Committee. Margaret Miner said the planning effort needs to consider Freedom of Information (FOI) and mentioned the likely use of paper files in the upcoming [Water Utility Coordinating Committee](#) (WUCC) planning process. Information must be readily available to the public.

There was a question of whether public-owned water companies should have similar rules to private-owned water companies. Bob Young said they do face similar requirements if each operates under a diversion permit. There was a discussion of potential differences and of the existing governing authorities.

There was a discussion of the potential impacts of changes on the environment and on economic development. John Hudak noted the growth management implications, such as a preference to bring people to where water systems are available instead of the other way around.

Maureen Westbrook said the [CT Water Works Association](#) (CWWA) is especially interested in requirements for margins of safety, interconnections and, generally, in how to provide affordable and reliable water. She noted concerns about people in urban areas paying for systems to provide better opportunities elsewhere. Margaret Miner noted inconsistencies in margin of safety, safe yield and other calculations and there was further discussion.

Virginia de Lima noted that concerns have been raised about representation in the planning process and said Steering Committee members should be viewed as providing different perspectives, not as representing different positions. There was a discussion of concerns that have been raised and Maureen Westbrook asked members let her and Margaret know of such concerns so they can be conveyed to the Steering Committee. Maureen noted the benefits provided by the opportunity for dialog during the 2002 WPC committee process and Virginia asked if people have read the updated draft Other States' Plans Work Group report and whether it raises any concerns.

d. 2015 legislative session update

Maureen said the session ends before the WPCAG's next meeting. There was a discussion of DPH's small systems proposal and other legislation being pursued by the water utilities to streamline some PURA approval processes. There was a discussion of CWWA correspondence provided to the WPC earlier this month and Maureen said the WPC will likely discuss the letter at its coming meeting. Margaret said she is still looking into potential changes in underground storage tank life expectancies and will provide further information as she finds it.

Tom Callahan asked about potential changes to the planning process specified in PA 14-163. Maureen Westbrook noted that concerns have been raised about the plan approval process in that the plan is considered approved if no action is taken at the

General Assembly. Discussions are ongoing. There was further discussion of the process and of the ability of legislative committees to make changes to the plan once the plan is received from the WPC.

4. New Business

There was no new business.

5. WPC Requests to WPCAG and Work Group Updates

a. New Work Group – Other States Work Group

There was no report.

b. Small Systems Work Group

There was no report.

c. Drought Plan Work Group

There was no report.

d. Green Industry Conservation Work Group

There was no report.

e. Watershed Lands Work Group

There was no report.

6. Public Comment

There was no public comment.

7. Future Meeting Date

The next meeting is scheduled for 1:30 on Tuesday, June 16th, 2015 at PURA, in New Britain.

8. Adjourn

The meeting adjourned at 3:23 p.m.

Minutes prepared by Bruce Wittchen, OPM

Attachment A

Regulatory Frame

- Authority and Accountability
- Simplify Process
 - Multiple Regs
 - Not clear what applies to whom

Funding

- Long term admin
- Who is paying?
- Who is responsible?
- CT has multiple different approaches
- Need for overarching

Class A/B & Interbasin Transfers

- Reuse policy required
- Reuse for what?
- Clarify question
- Citizens ready? Cust. Perception
- Cost? (Treatment)
- Potable? Non Potable?
- Lands Implication?
- Why? Is it necessary?
- Eases limit of class A
- How to get it where needed
- Iterative process- future consideration
- Source Water Protection
 - Land Preservation
- Related to Energy Process
 - Treatment

I-B Transfer

- No good consistent decision making process
- Potential conflict between agency on policy
- Do we currently limit I-B Transfer?
- Could be a compliance issue for SF Regs

Decision Making

- Known, Fair, and Balanced
- Perceived as legitimate

Inter Connections

- Effects on safe yield

Registrations

- Modified by SF Regs (not for ground water)
- May affect operation not math all related to margin of safety
- Must consider impact of every change (m.o.s)
- Must consider actually exists
- Must be aware of effects of Sf Regs
- Trade options within basin models negotiation data
- Can't convert "Type" of reg
- Incentives
- Case by case
- Negotiative
- Don't: put companies out of business; take water from people
- Registrations for non-potable uses must be considered
 - Ag, fish, drinking supply
- Integrated
- Waste Assimilation (non-defined allocation)

FOI

- DPH- what is in WS plans
- Should Public and Private utilities have same rules
 - Level of rate making process
- Economic Impact review
- Environmental Impact Review
- Growth management Policies
- Affordable
 - Cost benefits
 - Urban vs rural
- Safe Yield MOS
- Use consistent approach