

Water Planning Council Advisory Group

January 19, 2015
Meeting Minutes

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

Members Present:

Gil Bligh	City of New Britain
Josh Cansler	Southeastern CT Water Authority
Virginia de Lima	USGS CT Water Science Center
Len DeJong	Pomperaug River Watershed Coalition
John Hudak	South Central CT Regional Water Authority
Margaret Miner	Rivers Alliance
Richard Sobolewski	OCC
Robert W. Wesneski	Avon Water Company
Maureen Westbrook	Connecticut Water Company
Bob Young	Middletown Water & Sewer Department

Members by Phone:

Vin Ringrose	Fisheries Advisory Council
Denise Savageau	Town of Greenwich

Other Attendees:

Scott Bighinatti	MMI
Marc Cohen	ASRWVA
George S. Logan	Aquarion
Charles Rothenberger	Rome Smith & Lutz/Save the Sound
Nick Salemi	MDC
Martha Smith	West River Watershed Coalition
Lori Vitagliano	South Central CT Regional Water Authority
Bruce Wittchen	OPM

Members Absent:

Eric Brown	CBIA
Karen Burnaska	Endangered Lands Coalition/CFE
James Butler	SCCOG
David Knauf	Darien Health Department
Robert Silvestri	PSEG
Kevin Sullivan	Green Industry
Henry Talmage	CT Farm Bureau

1. Call to Order

The meeting was called to order at 1:40 p.m.

2. Approval of Minutes – [October 26, 2015](#), [November 17, 2015](#) & [December 15, 2015](#)

A motion was made and seconded to approve the three meeting minutes and there was a discussion of whether members not present at a meeting can vote to approve that meeting's minutes. The motion was approved unanimously, noting that some members had not attended one or more of those meetings.

3. State Water Plan

a. State Water Plan – Project Management Plan Update

There was a discussion of the [Memorandum of Understanding](#) (MOU) with the [New England Interstate Water Pollution Control Commission](#) (NEIWPCC) and Bruce Wittchen said he will circulate a copy to the group. Maureen Westbrook described the chronology of the MOU signing and some terms of the MOU. There was a discussion of the MOU and Maureen explained that the signed MOU has been provided to the WPC's Steering Committee, but the Steering Committee was not able to review the MOU in advance of it being signed.

Virginia de Lima said she wants to go on record as being disappointed in the process that led up to this MOU. She mentioned some concerns she has about the MOU, including that it refers to a first phase of developing and compiling the plan but does not mention a second phase. She asked what the second phase is expected to be and also asked what is meant by "developing and compiling the plan".

Virginia said parts of the MOU read like a request for proposals (RFP) for a "plan for a plan", while other parts read like a RFP for a plan. Maybe the wording is due to concerns regarding the availability of future funding, but this would have benefited if more people had been able to review it. Margaret Miner said she heard that the WPC was concerned about these funds being swept and did not want to delay the MOU. She added that she also has some concerns about certain wording in the MOU. There was further discussion of the MOU and of the process leading up to it.

Maureen Westbrook said that Len DeJong is serving on the committee established by the WPC to develop the RFP. Len explained that other members of the committee working with NEIWPCC are Betsey Wingfield of DEEP, Dave LeVasseur of OPM, Ryan Tetreault of DPH, Gail Lucchina of PURA and Tom Callahan. They have seen a draft RFP from NEIWPCC and their first discussion was last week.

Len DeJong noted that he is limited in what he can say at this time, but provided an overview of the committee's discussion and added that he suggested they use a qualifications based approach rather than issue an RFP. Len said the planning effort should reach out to other states to learn how they have approached this and said he is concerned that the current draft RFP is not specific enough. He said the committee already has water plan RFP info from CO and TX and is obtaining information from other states.

Len noted that he is unsure of the direction that this RFP process will go, but explained the timing of the committee's review and added that the Science and Technical Committee's work should be considered for submission to the RFP committee. There was a discussion of whether Tom Callahan can be available to further explain the process. Margaret Miner said she wants the RFP committee to mention any major disagreements when communicating with the Steering Committee and there was further discussion of the RFP process.

Virginia de Lima said she is glad the pace is faster now, but said the process can be quickened if concerns are addressed now instead of waiting. There was a discussion of previous WPCAG meetings and comments already submitted to the WPC. Maureen said she is concerned about the possible lack of opportunities for review and there was a discussion of the Steering Committee's expected review of the RFP.

There was a discussion of possible WPCAG comments regarding this review and of the need to be quick with any response. There was further discussion of the manner in which the Other States Work Group's report and suggested table of contents will be incorporated into this process. The group also discussed when the WPCAG can expect to see the draft RFP, the expected scope of work and what will be done for the funding provided to a consultant.

Bob Young said there is some concern about some consultants choosing not to bid and there was a discussion of how much more was spent in developing other states' plans. Bob asked if anything

would preclude NEIWPCCC from serving as the consultant and Virginia said the answer might be different depending on whether this process is developing plan or a plan for the plan. There was further discussion of the review process leading up to the Other States Work Group's report and whether other states had used consultants.

Margaret Miner read a proposed WPCAG statement she drafted during this meeting regarding the RFP process. There was a discussion of alternative wording, with several members offering suggestions. The group decided to proceed with the statement as revised, subject to a final editorial review by Maureen and Margaret. A motion to do so was made and seconded and approved unanimously. The final statement is:

The WPCAG respectfully requests that the process for creating an RFP with NEIWPCCC and related documents follow some of the steps recommended in our memo of 9/4/2015, namely, opportunities for members of the Steering Committee and WPCAG to review binding documents with consideration, comment and advice in advance of any decision by the WPC. We understand there is a tight timeline but are confident that members would be prompt and thorough in their review if given the opportunity. The reason for this request is that, at the WPCAG's 1/19/2016 meeting, there was considerable confusion about the meaning of certain key passages in the recent NEIWPCCC MOU and what kind of RFP is being developed and how deliverables will be defined. Given that, we want to be sure that there is sufficient clarity on requirements and deliverables to all for the greatest opportunity for success when a consultant is selected.

Len DeJong asked if members are interested in seeing the comparable TX RFP and said he will forward it to Bruce for circulation to members.

b. Steering Committee Activities

Maureen said the WPC has added the Metropolitan District Commission to the Steering Committee will meet next week. Nick Salemi of the MDC said David Banker will be the MDC's representative. There was a discussion of environmental organizations' concerns that they are under-represented on the Steering Committee and of WPC member Michael Sullivan reaching out in an effort to allay such concerns.

c. Discussion and Recommendations from WPCAG

Maureen provided an overview of the approval process flowchart provided last month (see Attachment 1 of the [12/15/2015 minutes](#)). There was a discussion of DEEP having reservations about attempting to modify the process at this time and Maureen said Jack Betkoski and Dave LeVasseur have met with key legislators to discuss various concerns. Margaret Miner said she has spoken with Rep. Mushinsky about concerns raised regarding the plan approval process.

Maureen Westbrook provided an overview of how the [Continuing Legislative Committee on State Planning and Development](#) is involved in the adoption of the [CT Plan of Conservation & Development](#) and mentioned Betsy Gara's research into state plan approval processes. Bruce Wittchen was asked about the information distributed by email about the Continuing Committee (see [Attachment 1](#)). Beyond providing an overview of that memo, Bruce noted that this apparently is the only Continuing Committee the legislature has created to date.

Betsy Gara noted that the [state energy plan](#) adoption process does not include legislative approval and described how some state plans can proceed without need for legislative approval. She said she believes, however, that the POCD approval process is more germane for the water planning process. Margaret Miner noted that a large amount of money was spent for a consultant to write the energy plan and that it was extensively rewritten in-house.

Maureen Westbrook said she and Margaret will follow up with Rep. Mushinsky and Rep. Hampton to update them on the WPCAG's concerns. She added that one advantage to addressing these concerns now is that there are fewer biases now. Willingness to revise the approval process might change as different interests see how the process is going.

There was a discussion of the WPCAG's interest in having the Other States' Plans Work Group's suggested table of contents be included in the request for consultants. There also was a discussion of how the WPCAG should approach its outreach and communications responsibilities. Maureen asked if the WPCAG might develop canned presentations. Margaret noted that Corinne Fitting and others who attended the national water planning meeting have said early outreach is necessary and asked how this has been done elsewhere. Maureen Westbrook said that if people do not realize they care about the outcome until too late, they will not have input. Len DeJong noted that the draft RFP he has been working with would make the consultant responsible for such outreach, with WPCAG input.

d. Policy Committee Report

Maureen Westbrook said the meeting included a lengthy presentation about agricultural concerns regarding the food safety act and its impact on the selection of agricultural water sources. More data are expected in six months. She said there also was a presentation by the [CT Institute for Resilience & Climate Adaptation](#) (CIRCA) and there was a discussion of the presentations. Maureen said Policy Committee member Matt Pafford said there will be a presentation on population projections by the CT State Data Center at the next Policy Committee meeting.

Maureen said the recent Policy Committee meeting did not get to the expected "quantity vs quality" discussion. Margaret said these presentations should be made to a larger group and Gail Lucchina noted that they are lengthy presentations. There was a discussion of distributing information about such presentations in advance.

Virginia de Lima said the policy question is to decide whether CIRCA findings should be used in this process. She added that disagrees with CIRCA and believes the information they have developed regarding flooding is not applicable to drought. Bob Young said we need to rethink water system design criteria and there was a discussion of the need for caution in how climate change concerns are presented.

e. Technical & Science Committee Report

Virginia de Lima said the group resumed its biweekly meeting schedule after the holidays and, at its most recent meeting, discussed water data restrictions and data regarding lake health and human health. She noted that Corinne Fitting is looking into lake data availability. There was a discussion other group activities and of forwarding a cleaned up copy of the group's spreadsheet to the group working on consultant selection.

4. Old Business

a. WPC 2016 Report

Bruce explained that the report is in PURA's hands and that he has not seen anything since forwarding Maureen's, Len's and Virginia's comments.

b. 2016 Legislative Initiatives for Consideration

Maureen said agency proposals are beginning to appear on OPM's website.

5. New Business

- a. Other

There was no new business.

6. WPC Work Group Updates

- a. Small Systems Work Group

Maureen said the group has not met lately and PURA has a generic docket for this topic.

- b. Drought Plan Work Group

Virginia said the group will meet tomorrow. Margaret said there are many concerns about drought.

- c. Green Industry Conservation Work Group

There was no report.

- d. Watershed Lands Work Group

Margaret Miner distributed a memo regarding the proposed Kinder Morgan Tennessee gas pipeline expansion (see [Attachment 2](#)) and highlighted some of the concerns noted there.

7. Public Comment

There were no public comments.

8. Future Meeting Date

Maureen explained that the next meeting is scheduled for Tuesday, February 16th, but said she will be unavailable. There was a discussion of possible alternative dates and Bruce said he will poll the members after the meeting to determine a new meeting date. Maureen noted that the Steering Committee will meet on 2/2/2016 and said the agenda includes a line about outreach.

9. Adjourn

The meeting adjourned at 3:12 p.m.

Minutes prepared by Bruce Wittchen, OPM

Attachment 1

Overview of Continuing Committee on State Planning & Development and Legislative Adoption Process for C&D Plan

Prepared for: Water Planning Council Advisory Group (WPCAG)

Prepared by: Eric Lindquist, OPM

1. Establishment of the Continuing Committee

The [Continuing Legislative Committee on State Planning and Development](#) (“Continuing Committee”) was established by Public Act 77-614, An Act Concerning the Reorganization of the Executive Branch of State Government. Born in the Senate as SB No. 357, PA 77-614 was an exceptionally large piece of legislation that greatly consolidated numerous committees, councils, and agencies of the executive branch. Section 21 established the Continuing Committee and also replaced the former State Planning Council with the Secretary of the Office of Policy and Management. Section 21 was codified in statute as [CGS Sec. 4-60d](#), as amended by PA 79-31 and PA 93-196, which modified the composition of the Continuing Committee. Based on my initial review of legislative proceedings pertaining to SB No. 357, the legislature’s rationale for the establishment of the Continuing Committee and abolishment of the State Planning Council is unclear. I will continue reviewing testimony as time permits.

Section 21 of PA 77-614 reads:

- (a) There is established a continuing legislative committee on state planning and development, to consist of eight members, four to be members of the senate, of whom one shall be the chairman of the senate committee on state development and three of whom shall be appointed by the president pro tempore of the senate, and four to be members of the house of representatives, of whom one shall be the chairman of the house committee on state development and three of whom shall be appointed by the speaker of the house of representatives.*
- (b) Said committee shall establish broad goals and objectives for the physical and economic development of the state and shall transmit such goals and objectives to the state [\[state planning council\]](#) [Secretary of the Office of Policy and Management](#).*
- (c) Said committee shall receive from the [\[state planning council\]](#) [Secretary of the Office of Policy and Management](#) any plan or plans or portion thereof and shall consider the effect of such plans on state goals and objectives and determine the need for legislative action thereon.*

2. Legislative Process for Review and Adoption of the State C&D Plan

In 1976, the General Assembly established a process for direct legislative participation in the preparation, adoption, and implementation of the State C&D Plan. That process, as amended from time to time, is codified in [CGS Chapter 297](#) (Attachment A)

3. Legislative Process for Interim Changes to the State C&D Plan

The State C&D Plan may be amended outside of its regular revision cycle by what is known as an “interim change.” [CGS Sec. 16a-32](#) provides the statutory requirements for the interim change process. Interim changes can occur to the text of the plan as well as the Locational Guide Map. See the flow charts in Attachments B and C which outline the interim change process.

Connecticut's Development and Future

Sec. 16a-24. Plan of conservation and development. Legislative finding. The General Assembly hereby finds that a proposed plan of conservation and development was prepared in response to House Joint Resolution 40 of the 1971 regular session of the General Assembly and that on September 27, 1974, said plan became the official policy for the executive branch of government in matters pertaining to land and water resource conservation and development pursuant to Executive Order No. 28. It is further found that the General Assembly has not yet recognized this plan of conservation and development. Therefore the General Assembly finds and declares that the recognition of a plan of conservation and development can best be achieved through the establishment of a process for adoption and implementation of the state plan of conservation and development.

Sec. 16a-25. Definitions. As used in this chapter:

- (1) "Process" means the procedure for adopting, amending, revising and implementing a state plan of conservation and development;
- (2) "Existing plan" means the plan promulgated by Executive Order No. 28, September 27, 1974;
- (3) "Secretary" means the Secretary of the Office of Policy and Management;
- (4) "Committee" means the continuing legislative committee on state planning and development established pursuant to section 4-60d;
- (5) "Adoption year" means the calendar year which is no later than five years subsequent to the year in which the plan was last adopted in accordance with the process established in this chapter;
- (6) "Revision year" means the calendar year immediately preceding the adoption year;
- (7) "Prerevision year" means the calendar year immediately preceding the revision year;
- (8) "State agency" means any state department, institution, board, commission or official; and
- (9) "Plan", when referring to the state plan for conservation and development, means the text of such plan and any accompanying locational guide map

Sec. 16a-26. Process for adoption, amendment, revision and implementation of plan. There is established a process for adoption, amendment, revision and implementation of the state plan of conservation and development. The Office of Policy and Management shall have overall supervision of the process.

Sec. 16a-27. Revision of existing plan. (a) The secretary, after consultation with all appropriate state, regional and local agencies and other appropriate persons, shall, prior to March 1, 2012, complete a revision of the existing plan and enlarge it to include, but not be limited to, policies relating to transportation, energy and air. Any revision made after July 1, 1995, shall take into consideration the conservation and development of greenways that have been designated by municipalities and shall recommend that state agencies coordinate their efforts to support the development of a state-wide greenways system. The Commissioner of Energy and Environmental Protection shall identify state-owned land for inclusion in the plan as potential components of a state greenways system.

(b) Any revision made after August 20, 2003, shall take into account (1) economic and community development needs and patterns of commerce, and (2) linkages of affordable housing objectives and land use objectives with transportation systems.

(c) Any revision made after March 1, 2006, shall (1) take into consideration risks associated with natural hazards, including, but not limited to, flooding, high winds and wildfires; (2) identify the potential impacts of natural hazards on infrastructure and property; and (3) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to natural hazards, including, but not limited to, flooding, high winds and wildfires.

(d) Any revision made after July 1, 2005, shall describe the progress towards achievement of the goals and objectives established in the previously adopted state plan of conservation and development and shall identify (1) areas where it is prudent and feasible (A) to have compact, transit accessible, pedestrian-oriented mixed-use development patterns and land reuse, and (B) to promote such development patterns and land reuse, (2) priority funding areas designated under section 16a-35c, and (3) corridor management areas on either side of a limited access highway or a rail line. In designating corridor management areas, the secretary shall make recommendations that (A) promote land use and transportation options to reduce the growth of traffic congestion; (B) connect infrastructure and other development decisions; (C) promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing infrastructure facilities; and (D) increase intermunicipal and regional cooperation.

(e) Any revision made after October 1, 2008, shall (1) for each policy recommended (A) assign a priority; (B) estimate funding for implementation and identify potential funding sources; (C) identify each entity responsible for implementation; and (D) establish a schedule for implementation; and (2) for each growth management principle, determine three benchmarks to measure progress in implementation of the principles, one of which shall be a financial benchmark.

(f) Any revision made after October 1, 2009, shall take into consideration the protection and preservation of Connecticut Heritage Areas.

(g) Any revision made after December 1, 2011, shall take into consideration (1) the state water supply and resource policies established in sections 22a-380 and 25-33c, and (2) the list prepared by the Commissioner of Public Health pursuant to section 25-33q.

(h) Any revision made after October 1, 2013, shall (1) take into consideration risks associated with increased coastal erosion, depending on site topography, as anticipated in sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1, (2) identify the impacts of such increased erosion on infrastructure and natural resources, and (3) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to such erosion.

(i) Thereafter on or before March first in each revision year the secretary shall complete a revision of the plan of conservation and development.

Sec. 16a-28. Draft revisions; preparation; legislative review; public hearings. (a) The secretary shall present a draft of the revised plan of conservation and development for preliminary review to the continuing legislative committee on state planning and development prior to September first in 2011 and prior to September first in each prerevision year thereafter.

(b) After December first in 2011 and after December first in each prerevision year thereafter the secretary shall proceed with such further revisions of the draft of the revised plan of conservation and development as he deems appropriate. The secretary shall, by whatever means he deems advisable, publish said plan and disseminate it to the public on or before March first in revision years. The secretary shall post the plan on the Internet web site of the state.

(c) Not later than five months after publication of said revised plan the secretary shall hold public hearings, in cooperation with regional councils of governments, to solicit comments on said plan.

Sec. 16a-29. Submission of plan to the Secretary of the Office of Policy and Management; submission to legislative committee. The secretary shall consider the comments received at the public hearings and shall make any necessary or desirable revisions to said plan and within three months of completion of the public hearings submit the plan to the continuing legislative committee on state planning and development for its approval, revision or disapproval, in whole or in part. Notwithstanding the provisions of this section, the secretary shall submit the state Conservation and Development Policies Plan, 2013-2018, to said committee on or before December 1, 2012.

Sec. 16a-30. Adoption of plan by General Assembly. (a) The continuing legislative committee on state planning and development shall not later than forty-five days after the convening of the next regularly scheduled session of the General Assembly conduct a public hearing on the plan. Not later than forty-five days after completion of such public hearing, the committee shall submit the plan with its recommendation for approval or disapproval to the General Assembly. The plan shall become effective when adopted by the General Assembly as the plan of conservation and development for the state.

(b) In the event that the General Assembly disapproves the plan in whole or in part the plan shall be deemed to be rejected and shall be returned to the committee for appropriate action.

(c) Any project included in the first or second phase of UConn 2000, as defined in subdivision (25) of section 10a-109c, shall constitute part of the state plan of conservation and development approved by the General Assembly.

Sec. 16a-31. Application of plan. (a) The following actions when undertaken by any state agency, with state or federal funds, shall be consistent with the plan:

- (1) The acquisition of real property when the acquisition costs are in excess of two hundred thousand dollars;
 - (2) The development or improvement of real property when the development costs are in excess of two hundred thousand dollars;
 - (3) The acquisition of public transportation equipment or facilities when the acquisition costs are in excess of two hundred thousand dollars; and
 - (4) The authorization of each state grant, any application for which is not pending on July 1, 1991, for an amount in excess of two hundred thousand dollars, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.
- (b) A state agency shall request, and the secretary shall provide, an advisory statement commenting on the extent to which any of the actions specified in subsection (a) of this section conforms to the plan and any agency may request and the secretary shall provide such other advisory reports as the state agency deems advisable.
- (c) The secretary shall submit and the State Bond Commission shall consider prior to the allocation of any bond funds for any of the actions specified in subsection (a) an advisory statement commenting on the extent to which such action is in conformity with the plan of conservation and development.
- (d) Notwithstanding subsection (b) of this section, The University of Connecticut shall request, and the secretary shall provide, an advisory statement commenting on the extent the projects included in the third phase of UConn 2000, as defined in subdivision (25) of section 10a-109c, conform to the plan and the university may request and the secretary shall provide such other advisory reports as the university deems advisable. Notwithstanding subsection (c) of this section, the secretary shall submit and the State Bond Commission shall consider prior to the approval of the master resolution or indenture for securities for the third phase of UConn 2000, pursuant to subsection (c) of section 10a-109g, the advisory statement prepared under this subsection.
- (e) Whenever a state agency is required by state or federal law to prepare a plan, it shall consider the state plan of conservation and development in the preparation of such plan. A draft of such plan shall be submitted to the secretary who shall provide for the preparer of the plan an advisory report commenting on the extent to which the proposed plan conforms to the state plan of conservation and development.

Sec. 16a-32. Initiation of plan revision. Interim changes. Annual report. (a) Each revision of the plan of conservation and development shall be initiated by the secretary and shall be undertaken in accordance with the process outlined in this chapter.

(b) Without initiating a revision of the plan and after receiving written approval from the committee, the secretary may undertake interim changes in the plan upon the secretary's own initiative or upon application by (1) the chief executive officer of a municipality, with the approval of the legislative body of such municipality, or (2) any owner of real property or any interest therein on which a change is proposed. No application for an interim change from a municipality under subdivision (1) of this subsection may be submitted unless (A) the municipality in which the change is proposed has a plan of conservation and development that has been updated in accordance with section 8-23, and (B) the application includes evidence, in writing, of the opinion of the planning commission of the municipality regarding the interim change. The secretary shall adopt regulations in accordance with chapter 54 to establish procedures for applications for such interim changes by any person, political subdivision of the state or state agency. Such regulations shall include, but need not be limited to, provisions for interviews and consultations with local planning and zoning commissions or, in those municipalities which have adopted the provisions of chapter 124 but which do not have a zoning commission, the persons designated to exercise zoning powers pursuant to section 8-1, review of local plans of development and public hearings. The secretary shall notify the chief executive officer and the persons exercising planning or zoning powers in any municipality which is the subject of an application for change in the locational guide map and shall notify any members of the General Assembly representing any area which is the subject of such an application. A joint public hearing by the secretary and the committee shall be held in any such municipality if requested by any chief executive officer or planning or zoning official notified by the secretary pursuant to this subsection. The committee shall also hold a hearing in addition to any hearing required to be held in any municipality concerning the locational guide map on any other proposed changes. After such public hearing, the committee shall approve or disapprove the application and notify the secretary of its decision not more than ten days thereafter. The secretary shall make interim changes in the plan to reflect the approved changes.

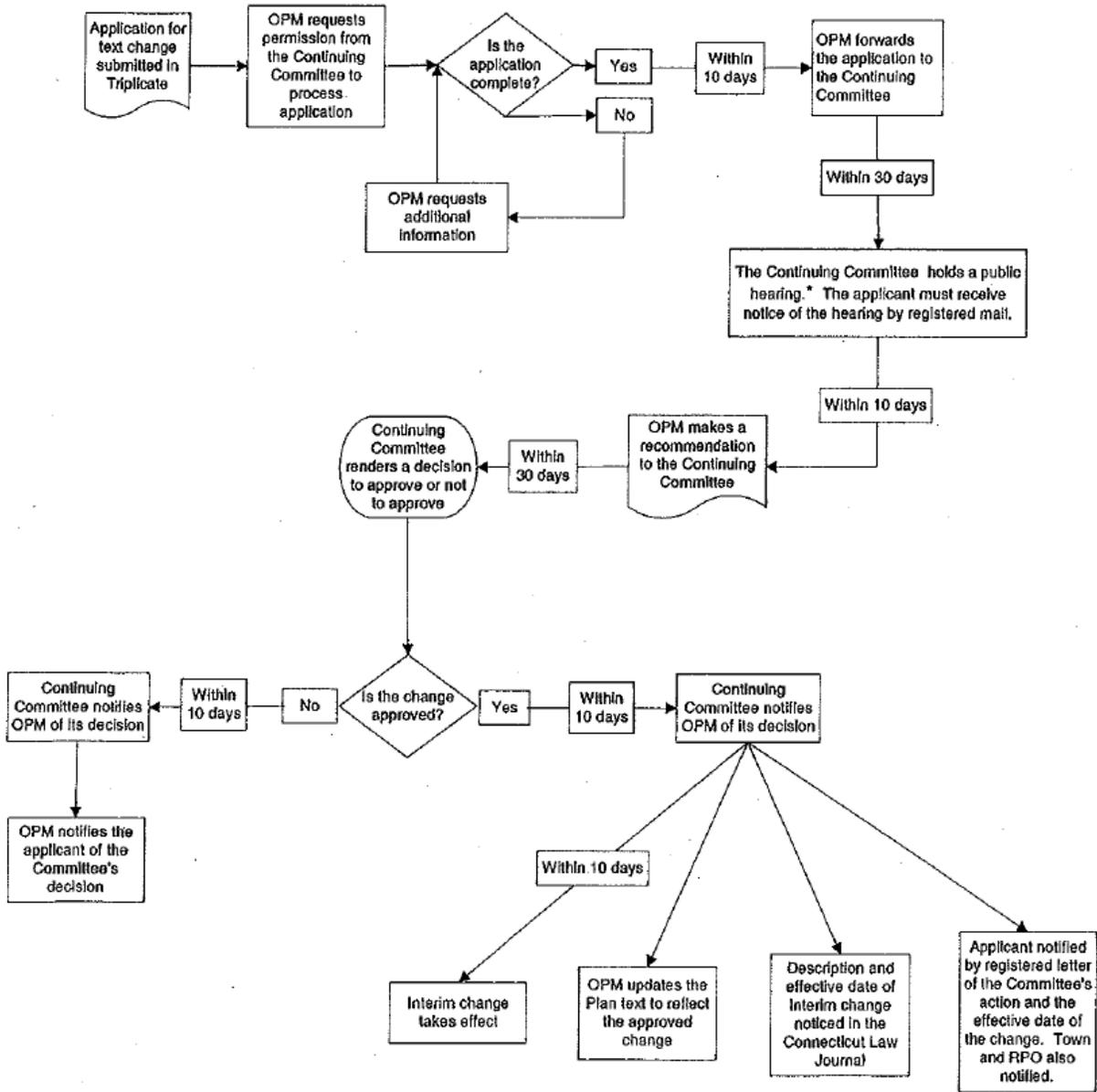
(c) The secretary shall report annually on or before February fifteenth to the committee progress on the implementation of the plan and the extent to which state actions are in conformity with the plan.

(d) Nothing in this section shall be construed to prohibit the committee from initiating a revision of the plan at any time.

Sec. 16a-32a. Plan to include goal for reducing carbon dioxide emissions. The Office of Policy and Management shall amend the state plan of conservation and development adopted pursuant to this chapter to include therein a goal for reducing carbon dioxide emissions within this state consistent with the recommendations of the Connecticut Climate Change Action Plan prepared in accordance with section 22a-200a.

Sec. 16a-33. Regulations. The secretary may promulgate such regulations as are necessary to carry out the purposes of this chapter.

Interim Change Process Involving a Change to the Text of the C&D Plan



* Notice of the hearing must appear at least twice in the local paper. The first notice must be between 10 and 15 days from the date of receipt of the hearing request. The second notice must be 2 days or more before the date of the hearing. There must be at least one day between postings.

Attachment 2

MM 1/19/2016
WPCAG HANDOUT
10 Ed

At the December 15th meeting, the Watershed Lands Work Group requested that the WPCAG convey to the Water Planning Council their concerns in relation to the Kinder Morgan Tennessee Gas Pipeline project in West Hartford on MDC Class I and II reservoir lands and the potential precedents created by the application and process.

The information from the Lands Work Group was presented at the 12/15/15 WPCAG meeting. There was not a quorum and members had questions about the process and the specifics of the application so no vote was taken. However, given the time sensitive nature of the process, there was agreement that the concerns would be conveyed to the WPC on behalf of the Watershed Lands Work Group.

There was concern about whether authorities under existing Connecticut statutory or regulatory programs, particularly the DPH water company lands statutes, extend to this application which is filed with FERC. The sense was that there are significant and important protections for source water provided under the DPH water company land programs and those should all be considered in an application of this sort. In statute and regulations Connecticut is committed to providing strict protection to lands in the recharge areas of drinking-water sources. Such lands, when owned by a water utility, are classified as Class I and Class II. The Department of Public Health is charged (in CGS Sec.25-32) with regulating and protecting these lands such that no activities therein shall have the potential to adversely affect water purity or quantity. The open space in Class I and II lands is the highest protection priority in state land-use policy. The purpose of this protection is to provide pure and healthy drinking water.

Of particular note from the Lands Work Group were the following:

- Source water protection in the affected area should be maintained in a manner so as to avoid adverse impacts to source water quality or quantity. Of special concern would be loss of forested areas and riparian buffers.
- Since this will be a commercial expansion in Class I and II land, it may set a precedent with legal implications that should be considered.
- The project proposal should fully assess alternative routes to avoid or minimize the possibility of adverse environmental impacts.

The group wanted to encourage the WPC, and specifically, the DPH to examine the application process and engage, either with written comments and/or as an intervener, to the extent possible to ensure that existing CT protections and authorities are extended to this project.