CONNECTICUT DEPARTMENT OF
PUBLIC HEALTH

Keeping Connecticut Healthy
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Governor M. Jodi Rell
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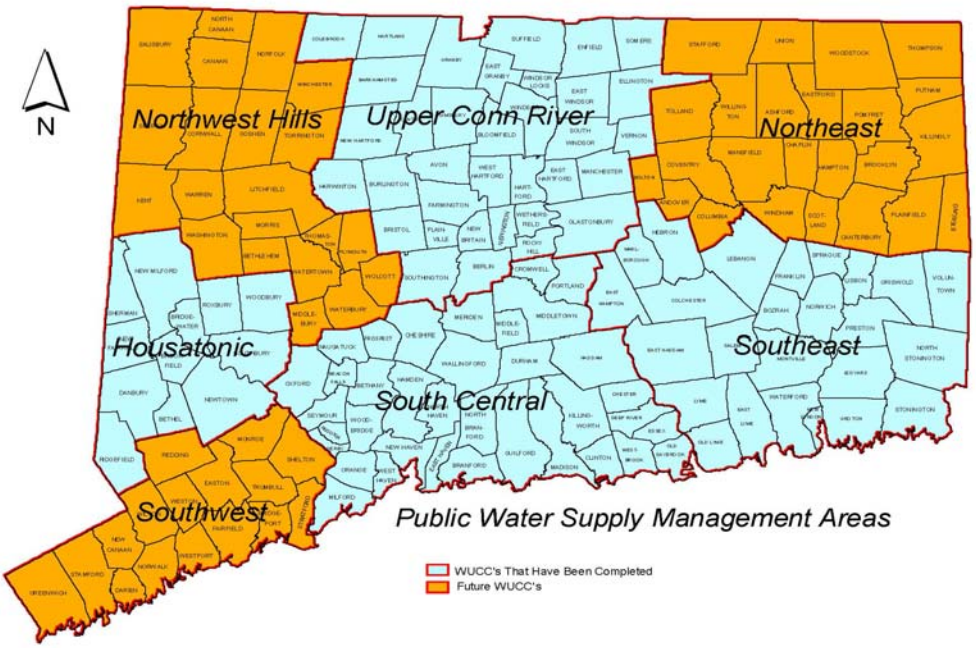
ANNUAL REPORT ON THE WATER UTILITY COORDINATING COMMITTEE (WUCC) PLANNING PROCESS FOR PUBLIC WATER SYSTEMS

(PURSUANT TO CONNECTICUT GENERAL STATUTE 25-33n)

February 2008



INDEX

	Page Number
I) Introduction	1
II) Background	1
III) Executive Summary	1
IV) Current Status of WUCC Areas	
1. Housatonic WUCC	2
2. Southeast WUCC	2
3. South Central WUCC	3
4. Upper Connecticut River WUCC	3-4
5. Northeast WUCC	4
6. Northwest WUCC	4
7. Southwest WUCC	4
V) Water Planning Council	5
VI) Discussion	6
VII) Future Direction and Recommendations	7
Appendix 1-General Background	11-13
Appendix 2-The Connecticut Plan Water Supply Planning Process And Necessary Legislative Changes	14-27
Appendix 3-Public Water Supply Management Areas	28

I) INTRODUCTION:

Connecticut General Statute (CGS) Section 25-33n requires the Commissioner of Public Health to submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment, and energy and public utilities. The report is to describe the status of the Water Utility Coordinating Committee (WUCC) planning process for public water systems established under Section 25-33g to 25-33j, inclusive, for the year ending the proceeding June thirtieth and efforts to expedite the process. This report is being submitted to address CGS 25-33n for the year ending June 30, 2007.

II) BACKGROUND:

A general background discussion of the water supply planning process required pursuant to Connecticut General Statutes 25-33g to 25-33j is provided in **Appendix 1** of this report.

III) EXECUTIVE SUMMARY:

A) Original Concept:

1. **The Water Utility Coordinating Committee (WUCC) planning process arose from a task force report completed in the early 1980's.**
2. **The water supply planning process was created by the legislature to eliminate the proliferation of small water systems.**
3. **The plan was envisioned by the legislature to assure availability and purity of the state's public drinking water supplies when the final legislation passed in 1985.**
4. **The state was apportioned into seven geographical areas for the creation of WUCC's based upon similarity of water supply problems.**
5. **These seven WUCC areas were to create a regional water supply WUCC plan and this regional plan was to be updated every ten years.**

B) Current Status:

1. **Four of the seven created WUCC's have been convened to date, three WUCC's still have not been convened so no Exclusive Service Area Boundary (ESAB) providers exist to provide responsible ownership or operation of newly created public water systems in these areas of the state.**
2. **Four WUCC regional plans have been completed and the Southeast WUCC regional plan is the only regional plan that has been approved by the DPH.**
3. **Two of the seven WUCC's held regular meetings in 2007.**
4. **Modernization of the current WUCC process via statute changes failed in 2006.**
5. **One hundred and eleven (111) new small public water systems have been added statewide over the past three year period.**
6. **The two fastest growing areas in CT in terms of adding new small public water systems are the Northeast and Northwest WUCC's, both of which have not been convened.**

C) Critical Needs:

1. **There is a strong short term need for CT to assign Exclusive Water Service Area Boundary (ESAB) providers for these remaining WUCC's.**
2. **The recent passing of Public Act 07-244 regarding the Certificate of Public Convenience and Necessity (CPCN) process for the creation of new public water systems adds to the urgency to assign ESAB providers for the remaining WUCC's to ensure the orderly creation of public water infrastructure in CT. The CPCN process requires developers to work with ESAB providers, where assigned, when creating new public water systems to ensure the long term reliability and viability of public water systems serving the citizens of CT.**
3. **DPH intends to hold WUCC meetings in all convened areas, within available staffing resources, to discuss regional plans and solicit member input regarding regional water supply planning and solutions to known problems.**

IV) CURRENT STATUS OF WUCC AREAS:

1) HOUSATONIC WUCC(Towns Served: Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Ridgefield, Roxbury, Sherman, Southbury, Woodbury): The Housatonic Water Utility Coordinating Committee (HWUCC) (see **Appendix 3**) did not meet during this time period. It is imperative for the Housatonic WUCC to become more active in promoting regional water supply solutions in this area. Therefore, the Department will call for a meeting of the HWUCC in the spring of 2008 to initiate discussion concerning regional water supply issues.

The Towns of Brookfield, New Fairfield, Ridgefield, and Newtown all have known contamination issues that hamper the ability to create viable water supply systems in major portions of their communities. The Towns of Brookfield, Newtown, and New Milford also have known naturally occurring radioactive contaminants that create further problems for both public and private supplies. The Greenridge Tax District which serves close to 1000 people has initiated the joint take-over proceedings of the Department of Public Utility Control/Department of Public Health to appoint a qualified entity to assume ownership and responsibility for their water system. The City of Danbury and the United Water Company-New Milford water supply demands are both quickly approaching the safe yield capability of their sources of supply which limits their current ability to assist in resolving the regional water supply issues including the continued commercial growth along Federal Road (Route 7). Both the Danbury Water Department and United Water-New Milford continue to search for and secure additional sources of public water supply to address the growth within these communities.

Fifteen (15) new small public water systems were created or discovered in this region over the past three year period, only two (2) of which are owned and operated by exclusive service area providers.

2) SOUTHEAST WUCC(Towns Served: 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): The Southeast Water Utility Coordinating Committee (SEWUCC) (see **Appendix 3**) did not meet during this period. It is critical that the Southeast WUCC become active in assisting to promote regional solutions.

The drought advisory that effected CT from September 2007 to January 2008 impacted several of the major water suppliers in the region including the City Of Norwich, City of New London, and Aquarion Water Company-Mystic Division. Other smaller communities in the region have struggled with major water supply issues such as creating a town wide water system in East Hampton to resolve several contamination issues and attempting to ensure the existing system in Sprague remains viable.

Fourteen (14) new small water systems were created or discovered in this region over the past three year period, only one of which is owned and operated by an exclusive service area provider. Again, this proliferation of small water systems in CT was intended to be eliminated by the WUCC process. The Department will call a meeting of the SEWUCC in 2008 to address regional cooperation and small system proliferation. Staff resources were devoted to providing technical assistance to the Town of Hebron in creating a town center water system to resolve several outstanding issues and promote development in the business district. DPH also held a meeting with town officials in Marlborough to discuss the creation of a town center water system to serve their business district.

3) SOUTH CENTRAL WUCC(Towns Served: 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): The South Central Water Utility Coordinating Committee (SCWUCC) (see **Appendix 3**) met on January 19, 2007 to discuss several pending requests for the creation of new public water systems within their assigned area.

Stakeholders at the previous meeting for the SCWUCC held on October 31, 2005 addressed the adoption of a process for addressing requests for the creation of new non-community water systems in areas where an ESA holder agrees it can not reasonably provide direct service and isn't willing to own a new satellite system. The WUCC at the October 31, 2005 meeting passed the following motion to deal with such situations in the future:

"That the SCWUCC Chairperson establish a committee of himself and three other WUCC members in good standing, one of which should be the Regional Planning Organization in which the project is located, for the administrative purpose of reviewing and recommending for approval to the Department of Public Health, those requests for the formation of non-community public water supply systems where all parties including the RPO in which the project is located, the project applicant and all ESA holders located within 500 linear feet of the proposed system, are in agreement and have furnished letters to that effect."

Five (5) new requests to create public water systems were sent to the SCWUCC since the adoption of the above policy took effect October 2005 to promote consistency in reviewing such requests. These five requests were discussed at the January 19, 2007 meeting. Jack Keefe, Chairman of the SCWUCC and Vice President of Birmingham Utilities, was directed by unanimous vote of the members present at the meeting to form the review committee to process such requests on behalf of the SCWUCC.

Twenty-one (21) new small public water systems have been created in the SCWUCC over the past three year period, none of which are owned and operated by an exclusive service. It is imperative for the SCWUCC to ensure this proliferation of small water systems does not continue to occur and water service is provided by exclusive service providers wherever practical. The Department will call for a meeting of the SCWUCC to address this issue of the proliferation of small water systems in certain areas of this region.

4) UPPER CONNECTICUT RIVER WUCC(Towns Served: 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):
The Upper Connecticut River Water Utility Coordinating Committee (UCRWUCC) (see **Appendix 3**) held one meeting on April 17, 2007. This meeting addressed several "house keeping" issues, but no substantive long term coordinated planning issues. There were three (3) requests for changes in Exclusive Service Area Boundaries (ESAB) discussed at this meeting. A request by Torrington Water Company to include the formerly entire unassigned area in the Town of Harwinton was unanimously approved. The Bristol Water Department was seeking a boundary revision in the southeast corner of Burlington that was opposed by Connecticut Water Company who currently served the area in question with their Unionville Division. Following the opposition by Connecticut Water Company to the boundary revision and verification by DPH that the area was indeed assigned to Connecticut Water Company, the Bristol Water Department withdrew their request. The final ESAB revision discussed was a change between

Connecticut Water Company and West Service Corporation that would have allowed West Service Corporation to serve a development in close proximity to their existing ESA and allow access to a future tank site. Following additional discussion regarding a lack of documentation of West Service Corporation's ability to serve and possible diversion permit issues, a motion passed to table the request.

Nine (9) new public water systems were created or discovered in the Upper Connecticut River WUCC over the past three year period. This WUCC region generally has acceptable public water infrastructure and usually can provide water service to most areas within the WUCC. Water issues faced in the region are drought advisories in Manchester and New Britain and the pressing need for public water service along the business section of Route 44 (Albany Turnpike) in Canton. The Department also provided considerable technical assistance to four small public water systems in South Windsor and Glastonbury which all made unanimous neighborhood decisions to connect to larger, more reliable community public water systems.

5) <u>NORTHEAST WUCC</u>(Towns Served: Andover, Ashford, Bolton, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Stafford, Sterling, Thompson, Tolland, Union, Willington, Windham):
The Northeast WUCC (NEWUCC) still has yet to be convened despite final legislation for the water supply planning process being passed by the legislature in 1985. This region of the state has also seen the most growth in terms of adding new small public water systems with twenty-five (25) systems added over the past three year period. The failure to have convened this NEWUCC has created a serious disconnect with the Certificate of Public Convenience and Necessity process for creating new public water systems in CT. The failure to have designated Exclusive Service Area Boundary providers (ESAB's) in this portion of CT may have a serious effect on orderly expansion of public water infrastructure and result in duplication of service at a much higher cost in the long term.

The Department has provided considerable technical assistance to the University of Connecticut and the Town of Willington to help ensure orderly growth with proper water service. The Towns of Coventry and Mansfield appear to be at the point of facing similar challenges.

6) <u>NORTHWEST WUCC</u>(Towns Served: Bethlehem, Canaan, Cornwall, Goshen, Kent, Litchfield, Middlebury, Morris, Norfolk, North Canaan, Plymouth, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Waterbury, Watertown, Winchester, Wolcott):
The Northwest WUCC (NWWUCC) has not been convened therefore no Exclusive Service Area Boundary (ESAB) providers exist to serve these towns. Twenty-two (22) small public water systems have been added in this region of the state over the past three year period. This number places the NWWUCC at the second fastest growing section of the state in terms of adding small public water systems. This WUCC needs to be convened so an ESAB provider can assume responsibility for proper ownership, management, and maintenance of the many small public water systems being created in this area. The Department has provided considerable technical assistance, including sponsoring two regional forums, in the Middlebury area to ensure proper water service to this fast growing area.

7) <u>SOUTHWEST WUCC</u>(Towns Served: Bridgeport, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, Norwalk, Redding, Shelton, Stamford, Stratford, Trumbull, Weston, Westport, Wilton):
The Southwest WUCC has not yet been convened therefore no Exclusive Service Area Boundary (ESAB) providers exist to serve these towns either. However, because public water infrastructure is generally available in this section of the state, only five (5) new small public water systems have been added over the past three year period. Major issues in this area revolve around Greenwich with the capacity of the public water system. The system faces drought restrictions every several years and a number of public

and private schools on King Street in western Greenwich are attempting to form a coalition to bring in public water service and fire protection.

V) WATER PLANNING COUNCIL (WPC):

Public Act 01-177, as modified by Public Act 02-76, established the Water Planning Council to address issues pertaining to Connecticut's water resources. The WPC has long recognized the need to review relevant existing legislation and regulations for the purpose of proposing constructive changes in legislation to ensure adequate water supply planning, responsible growth, water allocation, diversion permit issues, and minimum stream flow standards to support biodiversity. The WPC submitted its annual report to the legislature in February 2006. That report identified action items to be addressed in 2006. Among those items was the need to revisit proposed legislation regarding the procedure for coordination of public water supply planning.

ISSUES:

The following issues regarding the WUCC planning process have been raised to the WPC:

- Statute Change: A mechanism needs to be developed to consolidate the existing public water supply management areas. Given the changes that have taken place in Connecticut and the water industry over the past twenty years, the planning process would be more effectively served by consolidating the current structure of seven areas into a more manageable structure of three or four areas based upon similar water supply issues.
- Statute Change: Environmental groups such as Rivers Alliance have also expressed an interest in participating in this planning process. This type of participation could be allowed with a statute change to involve an oversight committee for the WUCC.
- Regulation Change: Procedural guidelines for the WUCCs should be provided in regulations to make the process more efficient and uniform from management area to management area.
- Regulation Change: Each WUCC has labored over establishing and making revisions to exclusive service areas. The later has occurred in Durham/Middlefield, Burlington/Harwinton, and Brookfield. The statutory process for establishing exclusive service areas and making revisions to existing exclusive service areas should be re-examined and revised as necessary.
- Regulation Change/Exclusive Service Area Boundaries: Many municipalities have expressed a desire to be designated as official members of the WUCC. Some have been recognized as members by virtue of their ownership of a public water system. Others could only participate as non-members, without any voting rights. Municipal officials have not always participated in the process when not given official membership status, and regional planning agencies have not always represented each municipality as thoroughly as necessary. Municipal officials need to be recognized and given official WUCC membership status. A legislative change could be offered that allows a town to claim the Exclusive Service Area Boundary (ESAB) initially prior to involvement by a water company in areas where water service is currently not in place.
- WUCC Membership Definition: The current WUCC membership definition includes all public water systems, which serve 25 or more people, or have 15 or more service connections, and regional planning agencies. The WUCC legislation, when written in February 1985, initially recognized only the 700 community public water systems regulated by DPH. Since that time the DPH has identified and now regulates thousands of non-community public water systems. The current number of public water systems in Connecticut is approximately 3,000 (community and non-community public water systems). Logistically these numbers represent too large a group to participate in the planning process. Legislative changes are needed to revise the level of participation and role of various stakeholders in the process.
- Assignments of ESAB's for Public Water Systems with Water Supply Plans in growth areas based on 5, 20 & 50 year planning periods (updated every 5 yrs), and ESAB's for satellite management: The

Department of Environmental Protection (DEP) raised issues involving the assignment of exclusive service areas as that issue pertains to water allocation and DEP's diversion process.

VI) DISCUSSION:

The WUCC planning process has received a certain amount of criticism over the years due to water supply problems in several communities that the process was not able to resolve. Unfortunately, as with any process, there will always be issues that cannot be anticipated, or issues that must be addressed on a case-by-case basis. Where this planning process has been implemented over the past twenty-years, it has generally worked very well. It has been twenty-years though and the process would benefit from some revisions and modernization.

Critics of the planning process cite issues in Brookfield, Durham and East Hampton as examples of the process not working. Each of these communities would benefit from the provision of clean drinking water to specific areas of these towns. Unfortunately finding adequate water resources and the financial support necessary to create, or expand, public water service is often a very difficult challenge. This planning process was not created to fund such projects, and finding adequate resources to serve these areas is very difficult without sufficient funding. These areas would now benefit from updated WUCC plans and subsequent regional solutions that may become available to resolve longstanding problems.

Problems like those cited above and other issues that could develop in any of the seven current management areas would be better addressed with improvements to the current process to make it more efficient and responsive to local and regional needs. With these necessary changes, this process could be an effective tool for change in problem areas seeking unique solutions or facing unanticipated problems.

The Drinking Water Section of the Department of Public Health coordinated a series of meetings with the WPC Advisory Committee's WUCC Work Group and other state agency staff to discuss the proposed revisions to the Water Utility Coordinating Committee (WUCC) statutes.

The WUCC statute changes were originally submitted in the 2004 Legislative Session, but died in committee. The changes proposed by the DPH and adopted by the Water Planning Council in 2006 intended to allow the Connecticut Plan water supply planning process to move forward by streamlining the process and reducing the overall cost. These legislative changes also failed to pass. As directed by the WPC's annual report to the legislature in 2004, these necessary changes attempt to:

- Create a mechanism to allow consolidation of the existing Public Water Supply Management Area's.
- Address the obstacles (financial, staffing and regulatory) that have limited the completion, approval and/or updates of the WUCC plans.
- Establish the level of participation of various stakeholders in the process.
- Provide procedural guidelines for WUCCs to make the process more efficient and allow a convening WUCC to benefit from previous WUCC's experience.
- Revise the general process by which exclusive service areas (ESA) are established and conflicts are resolved.
- Create a mechanism to ensure consistency between claimed ESAs and water supply plans.

After the proposed legislation died in committee in 2004, the department continued to meet with the WUCC Work Group, comprised of water utility representatives, environmental groups and other state agencies, in order to reach as much common ground as possible in revising these statutes. Meetings

continued throughout 2005, and ultimately resulted in a revised legislative proposal that was supported by the WPC and submitted for legislative approval in 2006. On January 25, 2006, the WPC, through the DPH, invited legislators to a presentation on the planning process and the proposed legislative changes. Unfortunately, this proposal also died in committee. The final version of this 2006 legislative proposal in included in **Appendix 2**.

VII) FUTURE DIRECTION AND RECOMMENDATIONS:

Exclusive Service Area Boundary (ESAB) providers need to be assigned for the three areas of the state that still have not convened WUCC's: Northeast, Southwest and Northwest Hills. This action will at least allow for the orderly expansion of public water service and ensure responsible ownership and operation of public water systems in these areas. The next WUCC that is to be convened is the Northeastern management area (see **Appendix 3**).

Revisions to the WUCC legislation and regulations are still needed in order to streamline the planning process and make it more efficient and effective. These revisions would assist in accomplishing the original intent of the legislation as outlined in the 1985 Final Report of the Water Resources Task Force and to address comprehensive planning for water supply and water service and quality on a regional basis (see **Appendix 2**). Unfortunately, attempts to pass proposed legislation to update the process have been unsuccessful over the past three years. Efforts to change the existing legislation should not be dropped. In order to move the process forward, funding to resume the process in the Northeastern management area must be allocated. A budget option to fund this WUCC has been submitted by the DPH for the 2007-2009 budgets.

The existing timeline for implementing this planning process in the seven existing management areas, and periodically revisiting each management area, is not practical or reasonable. The process currently involves a two-year commitment in each area. Combined with limited staffing and funding resources, the first round of planning has already taken more than twenty years and has not been completed. Therefore, consolidation of management areas needs to be considered in order to accelerate the process and ensure that planning is done in all areas within reasonable intervals. The procedure to revise the management area boundaries and establish priorities for convening each WUCC should be revised to allow the department adequate flexibility to manage the process more efficiently. The changes in the water industry and population trends in Connecticut over the past twenty years support the concept of consolidating the existing seven management areas into three of four areas based upon similar water supply needs.

Municipalities in each management area should be included as eligible WUCC members. This issue was raised in several management areas by municipalities that wanted a more official role in the planning process. This would also add a critical link to municipal land use planning that may not be adequately addressed under the current WUCC structure.

A need also exists to connect the Certificate of Public Convenience and Necessity (CPCN) process to the WUCC process to ensure the coordinated development of public water systems (PWS) across the state. The CPCN process governs the creation of new PWS in Connecticut. Therefore, it is essential to coordinate the regulations for the CPCN and WUCC processes to ensure new public water systems being created have proper ownership/management to ensure viability for the long term. Public Act 07-244 recently connected the CPCN process with Exclusive Service Area Boundaries (ESAB's). This change will not be fully effective since ESAB's are not fully established statewide. It is essential, at a minimum, that the final three WUCC's be convened and ESAB's assigned to ensure proper ownership and management of public water systems in Connecticut.

Definition of terms; the content of the plan; procedural requirements for the structure of the WUCC, voting procedures, operating rules, and the time schedule for developing the plan; and the criteria and

procedure for approval of the plan, should all be reviewed and incorporated into revised regulations in order to make the process more efficient and consistent state-wide.

The criteria and process for establishing exclusive service areas should be revisited and revised as necessary. Regulations/guidance documents are needed to provide assistance to the WUCCs for revising an ESA, especially during the periods between plan updates.

The Water Planning Council has been addressing these issues during its deliberations and in the proposed legislative changes (**Appendix 2**). In conclusion, the enabling WUCC legislation must be updated. In the interim sufficient funding should be allocated to allow the department to proceed under the current legislation scheme in order to proceed with water supply planning in those areas of the state that have not benefited from this process to date.

APPENDICES

1. **General Background**
2. **The Connecticut Plan Water Supply Planning Process and Necessary Legislative Changes**
3. **Public Water Supply Management Areas**

APPENDIX 1

GENERAL BACKGROUND

BACKGROUND

"An Act Concerning a Connecticut Plan for Public Water Supply Coordination" (Public Act 85-535) was passed by the Connecticut General Assembly in the 1985 legislative session. The Legislature found that "in order 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 (DPH) shall administer a procedure to coordinate the planning of public water supply systems." The act provides for a coordinated approach to long-range water supply planning by addressing water quality and quantity issues from an area-wide perspective. The process is designed to bring together public water system representatives and regional planning organizations to discuss long-range water supply issues and to develop a plan for dealing with those issues.

The state has been divided into seven management areas based upon a number of factors, including similarity of water supply problems, such as proliferation of small water systems, groundwater contamination problems, and over allocated water resources. After public hearings, area priorities were established to aid in starting the planning process.

The planning process is designed to bring water utility representatives and local officials together to discuss long-range water supply issues and to develop a coordinated water supply plan for addressing these issues in each management area. These coordinated plans are to be built upon individual water supply plans from each utility required to prepare such plans pursuant to CGS 25-32d and modified by regional requirements. The modifications, or the "areawide supplement", must include an assessment of water supply problems and conditions within the management area, exclusive service area designations, and integration of individual water utility plans into a cohesive areawide plan, which emphasizes cooperation and coordination between public water systems.

The types of problems public water systems are faced with include:

- competition between public water systems for expansion of service areas
- increasing regulatory requirements
- aging and substandard infrastructure
- inadequate source protection
- difficulty in developing new water sources
- inadequate financing
- poor management

- uncoordinated planning among public water systems

Many of these problems lend themselves to areawide analysis and solutions.

Water utility representatives and local officials use a team or consensus approach to solve the problems identified in each management area. This Water Utility Coordinating Committee (WUCC), which is convened by the DPH, then has a vested interest in the plan and its implementation because it is their plan rather than a State conceived solution.

Each WUCC will be reconvened periodically to revise the areawide supplement to reflect the changing status of the individual plans and current planning at the time. This iterative process results in a living document that requires constant vigilance and regular updates to reflect the changing status of individual water supply systems, the economic impacts to projected demographics and the environmental impact on our drinking water supplies.

BENEFITS OF THE CT PLAN

The provision of adequate potable water resources for industry and commerce is of great importance for the continued economic growth of Connecticut. Therefore, it is important to complete the areawide plans for the three remaining Water Supply Management Areas of the state and to revise all plans periodically. Public water supply needs and issues throughout the state can be defined and addressed through this coordinated water system planning process.

Watersheds and water supply aquifers often cross political boundaries and management efforts must be coordinated among municipalities. The coordinated water system planning process is a mechanism to define and address areawide or inter-municipal water utility problems.

While new sources of water supply will be needed in the future, potential sources are not always located where demand is anticipated. The coordinated water system planning process is structured to overcome political boundaries by encouraging interconnections between water utility systems to promote efficient water use and allocation.

This two-year planning process in each management area brings together public water systems to discuss water supply issues and needs. Such a forum promotes better coordination and results in better water supply planning on a regional basis.

APPENDIX 2

The Connecticut Plan Water Supply Planning Process And Necessary Legislative Changes

The Connecticut Plan Water Supply Planning Process

And Necessary Legislative Changes

INTRODUCTION

This document discusses the Connecticut Plan water supply planning process and necessary changes to its enabling legislation. The information is provided in three segments. The first segment is a brief background regarding the evolution of water supply planning in Connecticut. The second segment will be a description of the need for changes in the enabling legislation. The final segment will be a brief explanation of the changes necessary.

The following terms are frequently referred to when discussing the Connecticut Plan process:

- Public Water Supply Management Area - A geographic area for coordinated water supply planning determined by the Commissioner of Public Health to have similar water supply problems and characteristics.

- Water Utility Coordinating Committee (WUCC) - This refers to the committee consisting of one representative from each public water system with a source of supply or service area within a public water supply management area and one representative from each regional planning organization within the public water supply management area.

- Exclusive Service Area (ESA) – An area where public water is supplied by one system.

EVOLUTION OF WATER SUPPLY PLANNING IN CONNECTICUT

In 1964-65 the state experienced a very dry period which represents the standard by which our water resources are evaluated to determine how much water would be available during a drought. As a result of the 60's drought, the legislature passed a bill in 1967 requiring that the state agencies prepare a statewide long-range plan for the management of the water resources of the state. The purpose of this plan was to develop and maintain a strategy for the management of our water resources for public water supply, wastewater, flood management, water-based recreation, aquatic habitat, agriculture, industry, hydropower and navigation.

The dry 60's were followed by the relatively wet 70's, and an economic climate that resulted in a slow down in development and in tight budgets. The federal Safe Drinking Water Act became federal law and drinking water quality became the state's primary water resource focus. Water resource planning was put on the back burner.

The drought of 1980-81 refocused the state's attention on the need to plan for drinking water. The most infamous example of problems resulting from a lack of resource planning at that time was the drop in reservoir levels for the system serving the Greenwich area, which resulted in a mere 16 days of water remaining in those reservoirs. Fortunately, the rain returned and a crisis was avoided. As a result of this drought, the legislature created a task force to look at drinking water issues. The task force recommended legislation which was approved by the General Assembly in 1984 and 1985.

Public Act 85-535, "An Act Concerning a Connecticut Plan for Public Water Supply Coordination" was passed by the Connecticut General Assembly in the 1985 legislative session. The Legislature found that "in order 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 (DPH) shall administer a procedure to coordinate the planning of public water supply systems." The act provides for a coordinated approach to long-range public water supply planning by addressing water quality and quantity issues from an area-wide perspective. The process is designed to bring together public water system representatives and regional planning organizations to discuss long-range public water supply issues and to develop a plan for dealing with those issues.

The types of problems public water systems were facing include:

- competition between public water systems for expansion of service areas
- increasing regulatory requirements
- aging and substandard infrastructure
- inadequate source protection
- difficulty in developing new water sources
- inadequate financing
- poor management
- uncoordinated planning among public water systems

Many of these problems lend themselves to area wide analysis and solutions.

In 1986, the state was divided into seven management areas based upon a number of factors, including similarity of water supply problems, such as proliferation of small water systems, groundwater contamination problems, and over allocated water resources. After public hearings were held, area priorities were established to aid in starting the planning process.

Fueled by monies allocated by the General Assembly in 1985, the Department of Public Health convened the first three WUCCs in 1986 and 1987. Plans for these areas were completed, but based on input from the consultants hired to facilitate the writing of these plans, it became evident that legislative constraints on hiring consultants to complete this process in the remaining four management areas were going to make it very difficult, if not impossible, to continue the planning process. Coupled with resource constraints in the first half on the 90's and problems with the approval of individual water supply plans, required of the largest water systems in each management area, the WUCC planning process was halted until 1998.

In 1998, after several failed attempts, Connecticut General Statute 25-33j was revised to eliminate the immediate problem with funding the process which raised the cap from $100,000 to $200,000. Sufficient resources were then made available to fund the next plan and the fourth WUCC was convened in Southeastern Connecticut in August 1998. A final plan for this WUCC was approved by the Department of Public Health in February 2002.

Each WUCC must be reconvened periodically to revise the plan to reflect the changing status of the individual water supply plans and current planning at the time. This process results in a living document that requires constant vigilance and regular updates to reflect changing economic times and the changing status of individual water supply systems.

The provision of adequate potable water resources for industry and commerce is of great importance for the continued economic growth of Connecticut. Therefore, it is important to complete the area wide plans for the three remaining water supply management areas of the state and to revise all plans periodically. Public water supply needs and issues throughout the state can be defined and addressed through this coordinated water system planning process.

Often watersheds and water supply aquifers cross political boundaries and management efforts must be coordinated among municipalities. The coordinated water system planning process is a mechanism to define and address area wide or inter-municipal water utility concerns and needs.

New sources of water supply will always be needed in the future and potential sources are not always located where demand is anticipated. The coordinated water system planning process is structured to overcome political boundaries by encouraging interconnections between water utility systems to promote efficient water use and allocation.

This two-year planning process brings together public water systems to discuss water supply issues and needs. Such a forum promotes better coordination and results in better water supply planning on a regional basis. This process has been very successful where utilized and the Groton regional pipeline is a recent example of communities working together to address common needs.

THE NEED FOR CHANGES

After nearly 20 years of experience with this planning process, the DPH recognized the need to revise the process. The Water Planning Council established by legislation in 2001 to address issues pertaining to Connecticut's water resources, also recognized the need to review relevant existing legislation and regulations for the purpose of proposing constructive changes in legislation. In its annual report to the legislature in February 2005, the WPC identified action items to be addressed in 2005. Among those items was the need to revisit proposed legislation regarding the procedure for coordination of public water supply planning.

ISSUES

The following issues regarding the WUCC planning process have been raised to the WPC:

- A mechanism needs to be developed to reevaluate and possibly consolidate the existing public water supply management areas.
- Procedural guidelines for the WUCCs should be provided to make the process more efficient and uniform from management area to management area.

- Each WUCC has labored over establishing and making revisions to exclusive service areas. The later has occurred in Durham/Middlefield, Burlington/Harwinton, and Brookfield. The process for establishing exclusive service areas and making revisions to existing exclusive service areas should be evaluated.

- Participation on the WUCCs should be reviewed to determine the level of participation and role of various stakeholders in the process. Many municipalities have expressed a desire to be designated as official members. Some have been recognized as members by virtue of their ownership of a public water system. Others could only participate as non-members, without any voting rights. Municipal officials have not always participated in the process when not given official membership status, and regional planning agencies have not always represented each municipality as thoroughly as necessary. The WUCC membership definition includes all public water systems, which serve over 25 or more people, or have 15 or more service connections, and regional planning agencies. In February 1985, there existed approximately 700 public water systems. The current estimated number of public water systems in Connecticut is approximately 3,000 (community and non-community public water systems). Logistically these numbers represent too large a group to participate in the planning process.

Three WUCCs still need to be convened in the Northeast, Southwest and Northwest. The next WUCC to be convened will be in the Northeastern management area. However, revisions to the WUCC legislation and regulations are necessary in order to streamline the planning process and make it more efficient and effective.

The existing timeline for implementing this planning process in the seven existing management areas, and periodically revisiting each management area, is not practical or reasonable. The process currently involves a minimum two-year commitment in each area and takes more than ten years to complete each round of planning. Therefore, consolidation of management areas needs to be considered in order to accelerate the process and ensure that planning is done within reasonable intervals. The procedure to revise the management area boundaries and establish priorities for convening each WUCC should be revised to allow the department adequate flexibility to manage the process more efficiently.

The elimination of the legislative contract-spending cap should also be pursued. The $200,000 WUCC contract ceiling mandated by CGS Sec. 25-33j should be eliminated, allowing contracts to be awarded by the department under standard state contract criteria. This would allow the possibility of increasing the individual contract costs; however, coupled with a reduction in the number of WUCC management areas from 7 to 3 or 4, the necessary 10-year plan revisions

could potentially be completed for a total reduced cost, irrespective of an increased per contract cost. For example, assuming 4 management areas with a per contract cost of $300,000, the 10-year cycle cost would be $1.2 million. This would be a savings of $200,000 over the current 7 areas, with a cost of $1.4 million (7 areas x $200,000/area = $1.4 million). Such savings would be realized each cycle or every 10-years. This would also increase the geographical scope of the management areas to foster expanded regional water supply planning.

Municipalities in each management area should be included as eligible WUCC members. This issue was raised in several management areas by municipalities that wanted a more official role in the planning process. This would also add a critical link to municipal land use planning that may not be adequately addressed under the current WUCC structure.

Membership should also be redefined to avoid making this process overly cumbersome. The current inclusion of small community and non-community public water supplies does not improve the process, but does escalate the cost and create logistical problems. WUCC membership should include the larger water companies, municipalities, regional planning organizations and appropriate environmental stakeholders.

Definition of terms; the content of the plan; procedural requirements for the structure of the WUCC, voting procedures, operating rules, and the time schedule for developing the plan; and the criteria and procedure for approval of the plan, should all be reviewed and incorporated into revised regulations in order to make the process more efficient and consistent state-wide.

The criteria and process for establishing exclusive service areas should be revisited and revised. Regulations are needed to provide guidance to the WUCCs for revising an ESA, especially during the periods between plan updates.

NECESSARY WUCC LEGISLATION

The Drinking Water Section of the Department of Public Health has coordinated a series of meetings with the WPC Advisory Group's WUCC Work Committee and staff from other state agencies to discuss proposed revisions to the WUCC statutes to accomplish these needed changes.

Proposed statute changes were previously submitted in the 2004 Legislative Session, but died in committee. The changes proposed by the DPH, and adopted by the Water Planning Council (WPC), for the 2006 legislative year were intended to allow the Connecticut Plan water supply planning process to move forward by streamlining the process to make it more efficient and effective and reducing the overall cost. This 2006 legislation also died and the following changes have still yet to be realized.

The goals and associated changes to the Connecticut Plan statutes are as follows:

- Section 25-33e - allow the DPH, in consultation with DEP, DPUC and OPM, after public notice or hearing, to adjust management area boundaries. This will allow the department to consolidate management areas to improve efficiency and reduce costs.

- Section 25-33f - redefine membership to include municipalities and an environmental stakeholder, hopefully resulting in better participation and communications, and to recognize environmental concerns.

- Section 25-33g - eliminate plan components that escalate costs, consume large amounts of time and result in very limited benefit to the planning process.

- Section 25-33h (c) - require regulations establishing the procedural requirements for conducting a WUCC to make the process more efficient and allow a convening WUCC to benefit from a previous WUCC's experience. The development of regulations will sort out the necessary details.

- Section 25-33g - expand the criteria used in establishing exclusive service areas; and to create a process for resolving conflicts, making changes and approving WUCC plans.

- Section 25-33h (c) - require WUCC decisions by consensus, rather than majority vote, in order to eliminate voting by blocks and to restore the original concept of consensus building.

- Section 25-33g (b) - require systems assigned expanded exclusive service areas to revise their water supply plans prior to approval of the WUCC plan.

- Section 25-33h (e) - require a WUCC to revisit exclusive service areas and individual plans at least every two years.

- Section 25-33j - eliminate the cap on contractual services, which combined with a reduction in the number of management areas should result in a net cost savings and reduction in staff hours.

- Add requirements for public notification and hearings throughout the process in order to open the process up and to involve interested parties.

CONCLUSION

The Legislative Task Force in 1985 recognized that the Connecticut Plan process was intended as a planning tool and not a water allocation process. In its report to the legislature, the Task Force stated that "the diversion program provides the mechanism for implementation of plans developed under the coordinated regional planning process through the reservation of future supplies and allocation of supplies". The allocation of Connecticut's water resources has been, is and should be the purview of state government. The Connecticut Plan process provides information to state government regarding future water supply needs and how those needs may be met, and is complimentary to the diversion program.

There is recognized value in continuing this planning process. The information gained through this process should be used in combination with similar information that needs to be gathered from other water resource users to form a basis for a statewide long-range water resource management plan that would allow the state to allocate resources in an efficient manner based on availability and priorities. Such a plan, as contemplated in 1967, but never developed, will benefit from this process. This planning process for public water supplies is not a substitute for such a statewide plan, but is one piece of the much broader plan contemplated in 1967.

In order to continue this process in an effective and efficient manner, these necessary changes in the enabling legislation must be approved, and associated regulatory changes developed to streamline the process.

NECESSARY LEGISLATIVE CHANGES

AN ACT CONCERNING WATER UTILITY COORDINATING COMMITTEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 25-33c of the general statutes is repealed and the following is substituted in lieu thereof:

Legislative finding. The General Assembly finds that an adequate supply of potable water for domestic, commercial and industrial use is vital to the health and well being of the people of the state. Water resources including **[**R**]**readily available water for use in public water systems are **[**is**]** limited and should be developed with a minimum of loss**,** **[**and**]** waste and environmental impact. In order to maximize efficient and effective development of the state's water resources and public water **[**supply**]** systems and to promote public health, safety and welfare, and environmental protection, the Department of Public Health shall administer a procedure to coordinate the planning of public water **[**supply**]** systems. Public water systems are subject to regulation by multiple state agencies and depend on approvals from those agencies to operate. In order to meet public water needs and effectively balance the use and protection of the state's water resources, promote public health and safety, and provide for environmental well being and competing water uses, the Commissioner of Public Health shall participate with the other governing state agencies in the long range planning and management of the state's water resources.

Sec. 2. Section 25-33d of the general statutes is repealed and the following is substituted in lieu thereof:

Definitions. As used in sections 25-33c to 25-33j, inclusive:
(a) "Public water system" means any private, municipal or regional utility supplying water to fifteen or more service connections or twenty-five or more persons;

(b) "Public water supply management area" means a region determined by the Commissioner of Public Health to have similar water supply problems and characteristics;

(c) "Exclusive service area" means an area where public water is supplied by one system;

(d) “Existing service area” means an area served by a public water system at the time a water utility coordinating committee is initially convened. This area shall include parcels that at the time a water utility coordinating committee is initially convened: (1) were included in a certificate of public convenience and necessity issued pursuant to section 16-262m, (2) had frontage along existing water mains, (3) were contained within that public water system’s distribution system, or (4) were owned by that public water system, if that public water system served less than two hundred fifty service connections or one thousand residents, and were contiguous to parcels of land served by that public water system at the time a water utility coordinating committee was initially convened. Parcels of land that meet these criteria after the initial convening of the water utility coordinating committee are not included in this definition.

[(d)**]** (e) "Commissioner" means the Commissioner of Public Health;

[(e)**]** (f) "Satellite management" means management of a public water [supply] system by another water company;

[(f)**]** (g) **[**"Coordinated water system plan" means (1) the individual water system plans of each public water system within a public water supply management area, filed pursuant to section 25-32d, and (2) an area-wide supplement to such plans**]** “Regional water supply plan” is a plan developed pursuant to section 25-33h, which addresses water system concerns pertaining to the public water supply management area as a whole.

Sec. 3. Section 25-33e of the general statutes is repealed and the following is substituted in lieu thereof:

Delineation of public water supply management areas.
(a) Not more than six months after July 1, 1985, the Commissioner of Public Health, in consultation with the Department of Public Utility Control, the Commissioner of Environmental Protection and the Secretary of the Office of Policy and Management, shall delineate the preliminary boundaries of public water supply management areas and establish preliminary priorities for initiation in such areas of the planning process established in sections 25-33f to 25-33h, inclusive. Not more than one year after July 1, 1985, the commissioner, after a hearing, shall delineate the final boundaries of such areas. In making such delineation, the commissioner shall consider the following: (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. The commissioner may periodically review the boundaries of each management area and revise such boundaries after consideration of these same factors; consultation with the Department of Public Utility Control, the Commissioner of Environmental Protection and the Secretary of the Office of Policy and Management; and after a public hearing. The department may waive the requirement for a public hearing after publishing notice of the revised boundaries and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing. Any exclusive service area boundaries established by existing water utility coordinating committees shall remain in effect until new exclusive service area boundaries are established pursuant to section 25-33g, regardless of changes to water supply management area boundaries.

(b) Not more than one year after July 1, 1985, the commissioner, after hearing, shall establish the final priorities for initiation of the planning process. In establishing such priorities the commissioner shall consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, (3) unreliable water service; and (4) any other factor he deems relevant. The priority for convening each water utility coordinating committee subsequent to the **[**initial planning process**]** completion of the initial regional water supply plan in each management area shall be determined by the commissioner, after a public hearing. The department may waive the requirement for a public hearing after publishing notice of and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing.

Sec. 4. Subsection (b) of section 25-33f of the general statutes is repealed and the following is substituted in lieu thereof:

(b) A water utility coordinating committee shall consist of: (1) one representative from each public water system serving two hundred and fifty or more service connections or one thousand or more persons with a source of water supply or a service area within the public water supply management area **[**and one representative**]**, (2) the executive director from each regional planning [agency] organization within such area, **[**elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. Each committee shall elect a chairman, adopt and amend, as required, a work plan and schedule for a coordinated plan and adopt rules, including, but not limited to, rules for publication of meeting times and agendas, and for public comment, including notice of a comment period and documentation of responses to comments**]** (3) one representative from a watershed protection organization selected by the Water Planning Council, established pursuant to Section 25-33o, and (4) one representative appointed by the chief elected official of each municipality within the management area, where the municipality is not represented by a public water system from

subparagraph (1) of this subsection. For purposes of this subsection, "municipality" means any of the state's 169 towns and cities.

Sec. 5. Section 25-33g of the general statutes is repealed and the following is substituted in lieu thereof:

[Assessment of water supply conditions and problems.**]** Exclusive service area boundaries.
(a) Each water utility coordinating committee, in consultation with the Commissioners of Public Health and Environmental Protection, the Secretary of the Office of Policy and Management and the Department of Public Utility Control, shall develop a preliminary assessment of water supply conditions and problems within the public water supply management area. The committee shall solicit comments on the preliminary assessment from municipalities, regional planning agencies, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.

(b) The committee shall establish preliminary exclusive service area boundaries, based on the final assessment, for each public water system within the management area. The committee shall solicit comments on such boundaries from municipalities, regional planning agencies, the Commissioners of Environmental Protection and Public Health, the Department of Public Utility Control, the Secretary of the Office of Policy and Management and other interested persons within the management area and respond to any comment received. If there is no agreement by the committee on such boundaries, the committee shall consult with the Department of Public Utility Control. If there is no agreement by the committee after such consultation,**]** recommend exclusive service area boundaries in accordance with regulations adopted by the Commissioner of Public Health pursuant to section 25-33h. In determining such boundaries each water utility coordinating committee shall consider the following factors: existing water service area; established exclusive service areas; individual water supply plans filed pursuant to section 25-32d; local land use plans, zoning regulations and growth trends; the State Plan of Conservation and Development; water resource limitations; the location of land owned by the State of Connecticut or otherwise permanently protected conservation areas; physical limitations to water service; political boundaries; water company rights as established by statute, special act or administrative decisions; system hydraulics; financial, technical and managerial viability of a public water system; and ability of a water system to provide a pure and adequate supply of water now and into the future.

[(c)](b) Whenever two or more parties claim overlapping exclusive service area boundaries, and cannot resolve the claims to their mutual satisfaction, or a public water system with an exclusive service area is unwilling to serve a project or projects in its exclusive service area, the Commissioner of Public Health shall establish or may change such exclusive service area boundaries after public hearing, taking into consideration**:** **[**any water company rights established by statute, special act or administrative decisions.**]** the factors indicated in subsection (a) of this section and other information the Commissioner deems necessary to determine which party is most able to provide a pure and adequate supply of water and meet the public health and safety needs of the consumers now and into the future. **[**In establishing such boundaries the commissioner shall maintain existing service areas and consider the orderly and efficient development of public water systems supplies**.]** In recommending **[**considering**]** any change to

exclusive service area boundaries, the commissioner shall maintain existing service areas, consider established exclusive service areas, and consider the orderly and efficient development of public water [supplies] systems. Such hearing shall be held within sixty days of the commissioner's recommendation and a decision shall be rendered within forty-five days following the hearing. The parties and the water utility coordinating committee shall be notified of the hearing by mail not less than fifteen days prior to the date set for the hearing. Any of the parties that are aggrieved by a decision of the commissioner pursuant to this section shall have a right of appeal to the superior court as provided for in section 4-183.

[(b)](c) Within six months of submission of the committee's recommendations of such boundaries to the Commissioner, or any recommendation by the Commissioner subsequent to subparagraph (b) each public water system that is assigned an exclusive service area shall be required to develop or revise a water supply plan pursuant to Section 25-32d documenting the public water system's plan to provide water service in the exclusive service area.

(d) The commissioner shall conduct a public hearing prior to the approval of the exclusive service area boundaries, except that the department may waive the requirement for a public hearing after publishing notice of the service area boundaries and of the intent to waive the requirement for a hearing, in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing.

(e) No exclusive service area boundary shall be revised without approval of the Water Utility Coordinating Committee or a decision by the Commissioner pursuant to Section 25-33i.

Sec. 6. Section 25-33h of the general statutes is repealed and the following is substituted in lieu thereof:

[Coordinated] Regional water [system] supply plan. Regulations.
(a) Each water utility coordinating committee shall prepare a [coordinated] regional water [system] supply plan [in the] for its public water supply management area. [Such plan shall be submitted to the Commissioner of Public Health for his approval not more than two years after the first meeting of the committee.] The plan shall 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 including the State Plan of Conservation and Development; (8) [minimum design standards] source water protection; and (9) water conservation; (10) the impact on other uses of water resources; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts.

(b) The regional water supply plan shall be adopted in accordance with the provisions of this section. The committee shall prepare a draft of the plan and solicit comments thereon from the

Commissioners of Public Health and Environmental Protection, the Department of Public Utility Control, the Secretary of the Office of Policy and Management and any municipality, regional planning organization [agency] or other interested party within the management area. **[**The municipalities and regional planning agencies shall comment on, but shall not be limited to commenting on, the consistency of the plan with local and regional land use plans and policies. The Department of Public Utility Control shall comment on, but shall not be limited to commenting on, the cost-effectiveness of the plan. The Secretary of the Office of Policy and Management shall comment on, but shall not be limited to commenting on, the consistency of the plan with state policies. The Commissioner of Environmental Protection shall comment on, but shall not be limited to commenting on, the availability of water for any proposed diversion. The Commissioner of Public Health shall comment on, but shall not be limited to commenting on, the availability of pure and adequate water supplies, potential conflicts over the use of such supplies, and consistency with the goals of sections 25-33c to 25-33j, inclusive.**]**

(c) The Commissioner of Public Health shall adopt regulations in accordance with the provisions of chapter 54 establishing the contents of a plan, the time schedule for development of the plan, operating and governance procedures for the water utility coordinating committees, and the criteria and **[**a**]** procedure for approval or amendment to the regional water supply plan. Decisions by the water utility coordinating committee shall be based on the consensus of participating members and any unresolved disputes between members of the committee on service area claims, or the regional supply plan, shall be submitted to the commissioner for resolution.

(d) A public hearing shall be required prior to approval of the regional water supply plan except that the department of public health may waive the requirement for a public hearing after publishing notice of the intent to waive the requirement for a hearing in a newspaper having general circulation in the management area and in the Environmental Monitor; provided the commissioner shall hold a hearing upon receipt, within thirty days after such notice is published, of a petition signed by at least twenty-five persons requesting a public hearing. Prior to publishing notice of intent to adopt or amend regulations authorized by this section, the Department of Public Health shall solicit comments on such proposed regulations from the Department of Environmental Protection, the Department of Public Utility Control and the Office of Policy and Management.

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(e) After approval of the regional water supply plan, the water utility coordinating committee shall convene at least every two years to update the regional water supply map to reflect any subsequent changes to the **[**water systems'**]** exclusive service area boundaries **[**as indicated in a water supply plan approved pursuant to Section 25-32d**].**

Sec. 7. Section 25-33i of the general statutes is repealed and the following is substituted in lieu thereof:

Consistency with plan. Restriction on approval of public water **[**supply**]** system.
[(a)**]** Any permit issued by the Commissioner of Public Health pursuant to this chapter shall, to the extent feasible, be consistent with any **[**coordinated**]** regional water supply plan adopted

pursuant to section 25-33h.

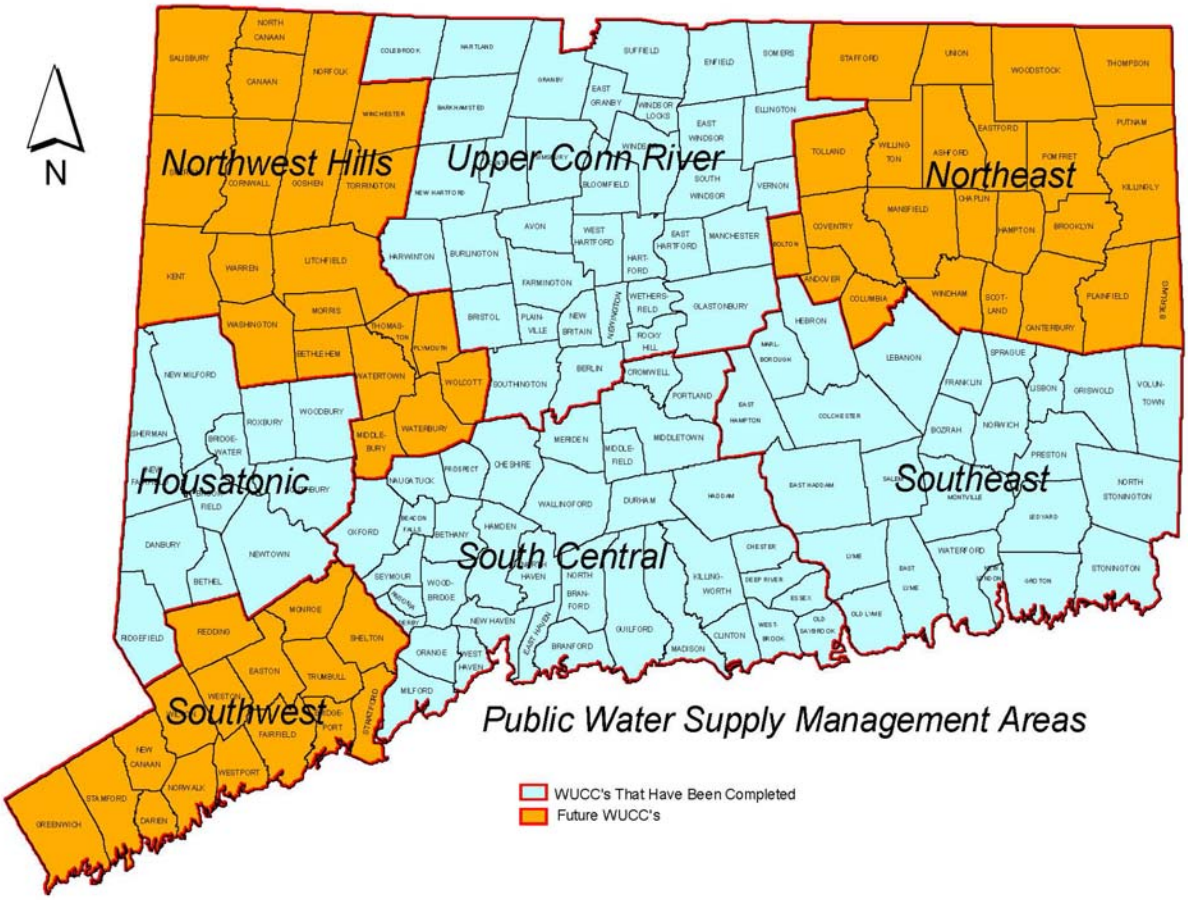
[(b) No**]** A new public water supply system may be created **[**approved**]** within a public water supply management area after the Commissioner of Public Health has convened a water utility coordinating committee **[**unless (1) an existing public water supply system is unable to provide water service or (2)**]** when the area requiring water service has not been assigned as part of a public water system's exclusive service area, or when the public water system with the exclusive service area responsibility is unable to provide service via a main extension, satellite management or a mutual arrangement with another public water system, and the committee recommends such approval, or the commissioner approves the system. If the public water system with the exclusive service area responsibility is unwilling to serve a project in its exclusive service area via a main extension, satellite management or a mutual arrangement with another public water system, the commissioner may change the exclusive service area boundaries of that public water system and reassign all of, or a portion of, the exclusive service area to someone else in accordance with section 25-33g. All new public water systems must be in compliance with section 16-262m.

Sec. 8. Section 25-33j of the general statutes is repealed and the following is substituted in lieu thereof:

Contract for services to water utility coordinating committee. The Commissioner of Public Health may enter into contracts with consultants to provide services to water utility coordinating committees. **[**The amount of any contract shall not exceed two hundred thousand dollars.**]** Any appropriation made to the Department of Public Health for the purposes of this section shall not lapse until the **[**Department**]** Commissioner of Public Health has **[**completed the planning process**]** approved the regional water supply plan for a water utility coordinating committee.

APPENDIX 3

PUBLIC WATER SUPPLY MANAGEMENT AREAS



Housatonic: convened 6/11/86, completed September 1988	Upper Connecticut River: convened 3/24/87, completed March 1989	South Central: convened 11/4/87, completed April 1990	Southeast: convened 8/5/98, completed March 2001, approved by DPH 2/19/2002	Northeast: (not convened Priority 1)	Northwest: (not convened Priority 2)	Southwest: (not convened Priority 3)
Bethel	Avon	Ansonia	Bozrah	Andover	Bethlehem	Bridgeport
Bridgewater	Barkshamsted	Beacon Falls	Colchester	Ashford	Canaan	Darien
Brookfield	Berlin	Bethany	East Haddam	Bolton	Cornwall	Easton
Danbury	Bloomfield	Branford	East Hampton	Brooklyn	Goshen	Fairfield
New Fairfield	Bristol	Cheshire	East Lyme	Canterbury	Kent	Greenwich
New Milford	Burlington	Chester	Franklin	Chaplin	Litchfield	Monroe
Newtown	Canton	Clinton	Griswold	Columbia	Middlebury	New Canaan
Ridgefield	Colebrook	Cromwell	Groton	Coventry	Morris	Norwalk
Roxbury	East Granby	Deep River	Hebron	Eastford	Norfolk	Redding
Sherman	East Hartford	Derby	Lebanon	Hampton	North Canaan	Shelton
Southbury	East Windsor	Durham	Ledyard	Killingly	Plymouth	Stamford
Woodbury	Ellington	East Haddam	Lisbon	Mansfield	Salisbury	Stratford
	Enfield	East Haven	Lyme	Plainfield	Sharon	Trumbull
	Farmington	Essex	Marlborough	Pomfret	Thomaston	Weston
	Glastonbury	Guilford	Montville	Putnam	Torrington	Westport
	Granby	Haddam	New London	Scotland	Warren	Wilton
	Hartford	Hamden	North Stonington	Stafford	Washington	
	Hartland	Killingworth	Norwich	Sterling	Waterbury	
	Harwinton	Madison	Old Lyme	Thompson	Watertown	
	Manchester	Meriden	Preston	Tolland	Winchester	
	New Britain	Middlefield	Salem	Union	Wolcott	
	Newington	Middletown	Sprague	Willington		
	New Hartford	Milford	Stonington	Windham		

Plainville	Naugatuck	Voluntown	Woodstock
Rocky Hill	New Haven	Waterford	
Simsbury	North Branford		
Somers	North Haven		
South Windsor	Old Saybrook		
Southington	Orange		
Suffield	Oxford		
Vernon	Portland		
West Hartford	Prospect		
Wethersfield	Seymour		
Windsor	Wallingford		
Windsor Locks	Westbrook		
	West Haven		
	Woodbridge		