

Water Planning Council Advisory Group

April 19, 2022 Meeting Minutes

A telemeeting of the Water Planning Council Advisory Group (WPCAG) was held by Zoom

A video recording is available at:

https://ctvideo.ct.gov/opm/2022-04-19_WPCAG_Video.mp4

Members Present by video or phone:

Aaron Budris	Naugatuck Valley Council of Governments
Karen Burnaska	Save the Sound
Fred Klein	CT Power and Energy Society
David Knauf	CT Association of Directors of Health
Patrick Kearney	Manchester Water & Sewer
Dan Lawrence	Aquarion
Margaret Miner	Rivers Alliance
Darryl Newman	CT Nursery & Landscape Assoc.
Denise Savageau	CT Association of Conservation Districts
Tom Tyler	MDC
Lori Vitagliano (alt.)	South Central CT Regional Water Authority

Other Participants:

Sam Alexander	SECCOG
Ally Ayotte	PURA
Jonathan Avery	Hazardville and Jewett City Water Cos.
Chris Bellucci	DEEP
Lauren Bergman	CT Water Co.
Ali Hibbard	DEEP
Doug Hoskins	DEEP
Eric McPhee	DPH
Martha Smith (alt.)	Rivers Alliance
Lisette Stone	DPH
Brad Weeks	Kowalski Group
Bruce Wittchen	OPM

Members Absent:

Josh Cansler	Southeastern CT Water Authority
Alicea Charamut	Fisheries Advisory Council
Virginia de Lima	USGS CT Water Science Center
Carol Haskins	Pomperaug River Watershed Coalition
Sean Hayden	Lake Waramaug Task Force
Eric Hammerling	CT Forest and Park Association
Brenda Watson	Operation Fuel

Vacancies

Agriculture
Business & Industry Association

1. Call to Order

Dan Lawrence called the meeting to order at 1:34 and started the recording.

2. Approval of draft 2/15/2022 Minutes

A motion was made and seconded to approve the draft [3/15/2022 minutes](#) and the motion was approved unanimously, with Pat Kearney and Lori Vitagliano abstaining because they had not attended the meeting.

3. Presentation: WUCC Interconnection Roadmap

4. Proposed DEEP general permit category for emergency interconnections

Dan Lawrence said this is the second month of presentations regarding work of the [water utility coordinating committees](#) (WUCCs). Sam Alexander said the presentation on the proposed DEEP [general permit category for emergency interconnections](#), listed as a separate Item 4 on the agenda, will be included in a single [presentation](#) with Item 3.

Sam Alexander highlighted the interconnection definitions on Slide 2 and described the sequence of work leading to this point, as charted on Slide 3. Slide 4 provides an overview of the [Interconnection Roadmap](#) that was developed and Sam pointed out the target audiences listed there. He proceeded to Slide 5 and invited DEEP's Doug Hoskins to explain the proposed general permit category.

Doug Hoskins said that work group reached out to DEEP, which considered options for addressing the problem raised. The existing general permit for diversions, described on Slide 6, would not accomplish the work group's goal. He explained that the proposal would not authorize an emergency diversion of water supplied from a flow-impaired source, those listed as experiencing "Flow Regime Modification" in the [non-pollutant impairment list](#) of DEEP's [305b report](#). He highlighted that this would be a "filing-only" permit not requiring a water company to wait for DEEP to approve it.

Doug provided further information about the expected process, noting [CGS Sec. 22a-6k](#)'s current, general allowance for temporary, emergency authorizations. Slide 7 shows draft language of the proposal and Doug noted that he received two inquiries from water companies asking about specific scenarios. He invited further comments and questions and pointed out that the proposal will go to a public hearing with its own opportunity for public comments. Doug also mentioned that DEEP received an interconnection request last week that would have qualified for the proposed category.

Eric McPhee explained DPH's Sale of Excess Water Permit, described on Slide 8, noting conditions that apply including that the utility receiving water must apply any water use restrictions in force for the supplying utility. He provided further background and referred to the information on Slide 9, noting that a regulatory change might not be needed. Dan Lawrence asked about the time to make the envisioned changes and Eric McPhee and Doug Hoskins both said that, depending on comments their agencies could complete this by the end of the year. Doug Hoskins added that it might be beneficial to have the WPC approve of the changes.

Margaret Miner said the term "emergency" is used inconsistently and mentioned its application for an interconnection in Sprague. Dan Lawrence pointed out that such an interconnection might be used to enable maintenance in one system and Eric McPhee said "emergency" might be a bad term to use in this context. He said this authorization is

intended to enable a temporary, non-routine use and said it improves system resilience, a broader state goal. He suggested that such interconnections be described as non-routine, short term.

There was a discussion of types of interconnections and that a water company could have DPH's permit for sale of excess water but not DEEP's permit authorizing the interconnection. Some utilities are in that situation because they have assumed the diversion will be authorized if needed in an emergency.

Martha Smith asked how the proposed process would work if the water being supplied is not from a source experiencing long-term flow-impairment but the source is experiencing drought impacts. Doug Hoskins said Sec. 3b of the general permit requirements does not allow such a permit if it would harm water quality, wetlands, or watercourses. Martha asked who would make that determination. Doug said DEEP would and there was further discussion of the expected process.

Denise Savageau said she generally agrees with the proposed approach but asked if there a process is available for a citizen to follow if observing a problem after such an interconnection has been activated. Doug said DEEP has the ability to revoke a permit but added that he will confirm it for that scenario.

Margaret Miner distinguished between emergency interconnections and those that are permanent "installations for capacity". She is not opposing the proposal, but how should such diversions be described? There was a discussion of applicable review processes. Doug Hoskins said a pipe that is not being used would not seem to require a diversion permit. Eric McPhee added that interconnections are only reviewed in the [CT Environmental Policy Act](#) (CEPA) process when state funding is involved. He added that DPH tries to be conservative and to scope such projects even if it might not be necessary. There was further discussion of the term "emergency" and of infrequent or emergency use.

Pat Kearney described the example of a subdivision served by a sole-source well that his water system could supply through an emergency interconnection. He said a phone call was enough for them to open that connection when requested and he provided an overview of discussions with state agencies regarding his system providing that water. He noted that his system is near streams in Manchester classified as flow-impaired and if there were an immediate need for an emergency diversion his system would be unavailable to provide water in an emergency even if the streams are flowing. State processes limit options and the proposed process would result in a delay if there were an immediate need for his system to provide water. There was further discussion of the meaning of "emergency" and it was noted that there is an exemption if water is required for firefighting.

Dan Lawrence asked if it is possible to apply ahead of time if a future need can be expected and Doug Hoskins said that does not appear to fit the process. There was further discussion of the fire exemption and Doug confirmed Pat Kearney's description of the impact of the impact of a flow-impaired stream near a source. He also provided an overview of how DEEP could handle that situation in accordance with the previously mentioned CGS Sec. 22a-6k. Pat said the general understanding of how the situation can be handled can be lost when new people are involved in the future. He highlighted his desire that the process provide flexibility and Doug invited him to submit suggestions for that. Doug also mentioned DEEP's enforcement discretion and Pat said he is concerned about having to rely on people's use of discretion.

Jonathan Avery said one of his water companies has potential interconnections with CT Water Co. but they are not interconnected to avoid having that potential use counted against their capacity for serving future customers. Can a company apply now so such an interconnection can be quickly available if ever needed? Sam Alexander said part of the motivation behind this effort is to encourage regionalization through interconnection and asked if such an interconnection would be counted against a system's available water.

Dan Lawrence said if such an interconnection were activated every year it would be counted against the system's available water. He added that the ability to use an interconnection in an emergency provides options and noted that Doug had mentioned one of the work group meetings that a water company could use the 30-day period of the emergency authorization to obtain the permit needed to go beyond that period. There was a discussion of not being able to have that emergency authorization ready in advance and Doug said the proposal would allow it to be and it could be verified with the annual report reviews already being performed by DEEP. Dan Lawrence offered to compile any comments people would like to submit to DEEP and Doug asked that they be submitted by 5/3/2022.

5. [State Water Plan Prioritization](#) Discussion

There was no discussion

6. Water Plan Updates

a. Water Planning Council Update

Dan Lawrence mentioned upcoming special meetings of the WPC on [4/20/2022](#) and [4/29/2022](#).

b. Implementation Work Group Update

Denise Savageau provided an update regarding the Outreach & Education group and described the upcoming events for the 50th anniversary of the Inland Wetlands and Watercourses Act.

c. Other State Water Plan matters

- [Governor's Council on Climate Change](#) (GC3) reporting as it relates to the State Water Plan

Dan Lawrence said Alicea Charamut is looking into this.

7. WPCAG Work Groups

a. Revisit [Conservation/ratemaking barriers workgroup proposal](#)

Dan Lawrence said this will be covered next month.

b. Watershed Lands Work Group

Karen Burnaska said [HB 5484](#), *An Act Concerning The Department Of Public Health's Recommendations Regarding Private And Semipublic Well Testing*, is moving forward. [SB 248](#), *An Act Concerning The Connecticut Drinking Water Supply*, is not. [SB 240](#), *An*

Act Concerning The Use Of Sodium Chloride To Mitigate Snow And Ice Accumulations, is moving forward.

Karen said the [Government Administration & Elections Committee](#) (GAE) used the environmental questionnaire developed here for this year's proposed legislative land conveyances and has posted them on its website but did not make them available until after public testimony was due. She said there are concerns about the conveyance proposed in [SB 491](#), which would convey state park land to a church. She has requested that information be made available earlier.

Margaret Miner added that the SB 491 conveyance would make the church property a conforming lot in advance of a sale. The bill does not mention that or include a reverter clause that would be triggered if the conveyed land does not remain open space as stated in the bill. Margaret added that the GAE Committee missed the point of why it should be provided such information and approved of all the proposed conveyances. She said we have a lot of work to do.

- c. Source Water Protection Work Group: [Source Water Protection Outline](#)

Denise Savageau said she and Alicea Charamut have discussed the possibility of having interns assist with this work. She added that a key question is what state agencies' roles are regarding source water protection and described the state's approach. She noted the [potential Clean Water Act role](#) and there was a discussion of other efforts in this area, including those of the [CT Section of the American Water Works Assoc.](#) and the [CT Source Water Collaborative](#).

- d. Solar Siting Work Group: [Draft Solar Siting Recommendations & Work Plan](#)

Denise Savageau said DEEP's [Sustainable, Transparent and Efficient Practices for Solar Development](#) (STEPS) still has to move forward. She referenced SB 248, which Karen Burnaska had mentioned earlier, and said it did not advance because people assumed the STEPS process would handle it.

8. Old Business

- a. [Water Utility Coordinating Committee](#) (WUCC) update

Dan Lawrence said the western WUCC has not received any requests recently.

- b. Interagency Drought Work Group update

Bruce Wittchen provided a brief update regarding the [Interagency Drought Work Group](#), noting that the agencies are reviewing possible changes proposed in response to the recommendations in the [report submitted by the Drought Topical group](#). He also noted that no part of the state is experiencing drought conditions at this time..

- c. Nominating Committee

Dan Lawrence read the update from an email sent by Carol Haskins, who was unable to attend this meeting. He mentioned that Jeff Pugliese has taken a new job that leaves the business & industry association position vacant and there was a discussion of vacancies.

Darryl Newman said he would contact Carol to discuss the agricultural vacancy and offered to bring it up with the CT Farm Bureau.

d. Hydrilla update

Denise Savageau described the progress of [HB 5143](#), *An Act Establishing An Office Of Aquatic Invasive Species*, and noted that the bill would create the Office of Aquatic Invasive Species within the [CT Agricultural Experiment Station](#).

9. New Business

There was no new business.

10. Public Comment

There were no additional comments.

11. Next Meeting Date

Dan Lawrence read the listed dates of upcoming regular group meetings and also mentioned special meetings of the WPC scheduled on 4/20 and 4/29.

May 3, 2022:	WPC
May 10, 2022:	IWG
May 17, 2022:	WPCAG

12. Adjourn

The meeting adjourned at 3:13 p.m.

Minutes prepared by Bruce Wittchen, OPM