

1 STATE OF CONNECTICUT
2 DEPARTMENT OF ENERGY AND
3 ENVIRONMENTAL PROTECTION
4 PUBLIC UTILITIES REGULATORY AUTHORITY

5
6 STATE WATER PLANNING COUNCIL

7
8 Regular Meeting held via remote access on
9 January 2, 2024, beginning at 1:34 p.m.

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12 H e l d B e f o r e :

13 JOHN W. BETKOSKI, III, Water Planning Council
14 Chairman and PURA Vice Chairman

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25 Reporter: Lisa Warner, CSR #061

1 **A p p e a r a n c e s :**

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3 **Water Planning Councilmembers present:**

4 JOHN W. BETKOSKI, III, CHAIRMAN (PURA)
5 MARTIN HEFT (OPM)
6 LORI MATHIEU (DPH)
7 GRAHAM STEVENS (DEEP)

8
9 **Also present (on record):**

10 ALICEA CHARAMUT
11 VIRGINIA de LIMA
12 DENISE SAVAGEAU
13 MARGARET MINER
14 RICHARD HANRATTY
15 DAVID KUZMINSKI

16
17 **PURA Staff:**

18 LAURA L. LUPOLI
19 ALYSON AYOTTE

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22 ***All participants were present via remote access.**
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1 (Commenced at 1:34 p.m.)

2 THE CHAIR: Good afternoon, everyone.
3 Happy new year and welcome to the January 2,
4 2024 -- can you believe that -- Water Planning
5 Council meeting. We'll call it to order. The
6 first order of business will be the approval of
7 the December 5, 2023 meeting transcript.

8 Do I hear a motion?

9 MARTIN HEFT: So moved.

10 GRAHAM STEVENS: Second.

11 THE CHAIR: Motion made and seconded
12 that the transcript for the December 5, 2023
13 meeting be approved. Any questions or comments?

14 (No response.)

15 THE CHAIR: If not, all those in favor
16 signify by saying aye.

17 THE COUNCIL: Aye.

18 THE CHAIR: The transcript is approved.
19 Item number 3 is public comment on
20 agenda items. Is there any public comment on any
21 of the agenda items today?

22 (No response.)

23 THE CHAIR: We'll move ahead to Action
24 Item Number 4, Water Planning Council annual
25 report. Martin.

1 MARTIN HEFT: Sure. Good afternoon,
2 everybody, and happy new year. The Water Planning
3 Council's annual report for 2023 was transmitted,
4 as required by state statutes, on December 28th.
5 Thanks to everyone that put their work into it. I
6 know, Virginia, Lori, your team over at DPH, as
7 well as, you know, the whole advisory, you know,
8 committee implementation workgroups and the other
9 workgroups that all submitted stuff for that. So
10 it has been transmitted, all been approved, it's
11 published. It's been sent to all of the
12 appropriate state agencies. And so we are
13 completed for this year and met our statutory
14 requirements.

15 THE CHAIR: Yay.

16 LORI MATHIEU: Excellent.

17 MARTIN HEFT: And I believe in the chat
18 we just put the link, so if you want to go
19 directly to it to find it on the website.

20 THE CHAIR: Thank you all very, very
21 much. Appreciate everyone's efforts. And it's
22 great that we got it in on time. And thank you,
23 Martin, for getting it in on time for us. We
24 appreciate that.

25 Moving on to workgroup reports. The

1 first one is the Advisory Workgroup, Alicea and
2 Dan.

3 ALICEA CHARAMUT: Good afternoon. So
4 the majority, our agenda was pretty much for the
5 last meeting just talking about the integration of
6 the Implementation Workgroup and the Advisory
7 Group. And we went through the operating
8 procedures. Those went out to folks to review.

9 Virginia, do you want to just give a
10 quick status where that's at? Because I think
11 some of those were coming back to you.

12 VIRGINIA de LIMA: So far I haven't
13 gotten any responses. I gave -- just backing up a
14 bit, the Implementation Workgroup at their
15 December meeting, we spent a lot of time on it and
16 went through and made some changes and then passed
17 that along to the Advisory Group. The Advisory
18 Group had some concerns and some confusion around
19 the changes that had been made by the
20 Implementation Group, and so they are taking a
21 look at it.

22 We had a very robust discussion, as
23 Alicea just alluded to. And so they were looking
24 at it. And because of the holidays, I asked that
25 they get comments back to me and to Alicea and Dan

1 by tomorrow. And so that will give me time to
2 address their concerns, include their concerns in
3 another version of it that will then be shared
4 with the Implementation Workgroup next week and
5 then with the Advisory Group again the week after.
6 And then presumably we'll get it to you folks in
7 time for your February meeting to address any
8 further concerns that you have and hopefully be
9 implementing the new organization by March.

10 There was some requests for a
11 simplification of the structure because it wasn't
12 quite clear to everybody actually coming out of
13 that meeting because the discussion in the
14 Advisory Group meeting I already went through and
15 did that simplification. And so hopefully the
16 additional questions coming from the Advisory
17 Group will be fairly easy, easy in terms of time
18 wise to deal with. So that's our plan.

19 THE CHAIR: That sounds good to me.
20 Any questions for Virginia or Alicea?

21 (No response.)

22 THE CHAIR: Anything further, Alicea?

23 ALICEA CHARAMUT: Not that I can think
24 of.

25 LORI MATHIEU: Jack, I have a question.

1 THE CHAIR: Sure.

2 LORI MATHIEU: What have we talked
3 about as a Council for review and approval of this
4 document between the four of us?

5 MARTIN HEFT: If I may, I don't know if
6 we actually talked about it fully of anything
7 else. Part of it was I know when we originally
8 discussed about the consolidation merger, whatever
9 term we want to use, we had on the list that
10 obviously the guidelines needed to be done as
11 well, whether or not, you know, but looking at the
12 process, I meant for myself personally it would be
13 that the Council would approve whatever those
14 operating guidelines are going to be as for the
15 Advisory Group, you know, on that to then move
16 forward since they are obviously advising to us as
17 a Water Planning Council. I don't know if that's
18 your question. But that was kind of my thought
19 process when I, you know, was kind of putting my
20 outline together.

21 THE CHAIR: The Implementation
22 Workgroup was set up, as we've talked about at
23 past meetings, was set up by us, not by the
24 legislature and state statute. So I think it
25 gives us a lot of autonomy in terms of how want

1 want to proceed with it. And as we went through
2 the whole process of looking at the Statewide
3 Water Plan revisions and modifications to see if
4 there's some duplication between the two groups.
5 And, as you know, Lori, that's why we want to
6 bring them together. So I think the only action
7 that will be taken is that we're going to review
8 what is transmitted to us from Virginia and Alicea
9 and then discuss it next meeting. I believe
10 that's what we're going to do.

11 VIRGINIA de LIMA: Your comments make
12 me think of a question in that the original, well,
13 the operating procedures of the existing Advisory
14 Group were approved at some point by the Water
15 Planning Council. That being said, as you all
16 know, the Advisory Group was set up by the
17 legislature originally. So I guess it would be
18 your judgment call, the four of your judgment
19 call, whether the changes were significant enough
20 to mandate it going back to the legislature which
21 personally I don't believe they are.

22 For example, the Advisory Group had
23 four-year terms. The Implementation Group had
24 two-year terms. And so the new version has
25 three-year terms. I don't think the legislature

1 would care whether they were four years or three
2 years. So from my perspective, that would not be
3 significant enough to warrant it having to go to
4 the legislature, but obviously that's your call.
5 And what we can do, what I can do is when we
6 finalize it, send you both versions and a track
7 change version or something like that so that you
8 can see very clearly what was changed and then
9 make that decision of whether it's significant or
10 not.

11 MARTIN HEFT: Jack -- thank you,
12 Virginia, on that -- just to clarify that the
13 Advisory Group was not set up by the legislature.
14 It's legislative authority for the Water Planning
15 Council to establish the Advisory Group on it.
16 And the language actually reads that the Council
17 may establish an Advisory Group that shall serve
18 at the pleasure of the Council. There is no term
19 limits in it or anything else, and just that the
20 only requirement that it has to be balanced
21 between consumptive and non-consumptive interest
22 and that it may include, provides a list of
23 representatives. The rest is up to us as how we
24 want to set the boundaries of the Council.

25 But I think your note, Virginia, where

1 it was legislated, yes, it is in legislation that
2 permits us to establish, but we don't have to go
3 back to the legislature to make changes.

4 VIRGINIA de LIMA: So that simplifies
5 it.

6 THE CHAIR: Very good.

7 LORI MATHIEU: And further, it doesn't
8 say we must have an Advisory Committee, right?

9 MARTIN HEFT: Correct, yes. It says we
10 may establish, correct.

11 LORI MATHIEU: Okay. So my question
12 was more to like the three of you about process.
13 Just thinking about what Virginia and Alicea just
14 mentioned, there's been a lot of input, there's a
15 lot of people here that have volunteered their
16 time. It would probably be good for the February
17 meeting. And just my thought here is that it
18 would be great to have the people who put this
19 together present it to us so that, you know, and
20 have a discussion about how it was put together,
21 if there was anybody that had some other thoughts
22 that maybe didn't end up getting incorporated,
23 people would have a chance to speak to that and
24 have a good discussion about.

25 Because I think this is a really

1 important part of our work is to have this group
2 solidified moving into March, but also to have a
3 really good robust discussion on our agenda so
4 that we could hear from the people that put this
5 together, have a chance to ask questions, and then
6 take it back to our staff and our leadership so
7 that possibly in March this could be, you know,
8 achieve an approval. Just my thought.

9 ALICEA CHARAMUT: That sounds good to
10 me.

11 GRAHAM STEVENS: Yeah.

12 THE CHAIR: It sounds very good to me.
13 So you'll be sending something, Alicea and
14 Virginia will be sending something to us, and
15 we'll leave it up to you to see who should be the
16 spokespersons for presenting this to the Council.
17 We'll make sure this is an agenda item.

18 Ally Ayotte, take note of that for the
19 next meeting, please, and we'll move forward. I
20 think that's a great recommendation.

21 LORI MATHIEU: Martin or Jack, does
22 that need a motion and a vote?

23 THE CHAIR: I don't think so.

24 MARTIN HEFT: No.

25 THE CHAIR: I'll defer to Martin.

1 MARTIN HEFT: I don't believe it needs
2 it.

3 THE CHAIR: We'll just put on the --

4 LORI MATHIEU: I just haven't heard
5 from our friend Graham Stevens. That's all. Just
6 curious, Graham.

7 GRAHAM STEVENS: I think it's a great
8 idea, Lori. That's perfect in my book.

9 LORI MATHIEU: Thank you.

10 THE CHAIR: I like it. I like it.

11 LORI MATHIEU: Thank you.

12 THE CHAIR: Okay. Thank you. So
13 Virginia, we're going to move down to
14 Implementation Workgroup. Is there anything
15 further?

16 VIRGINIA de LIMA: Just a couple of
17 things. In many ways the more challenging task
18 still awaits us, and that is membership of this
19 new Advisory Group in that there have been people
20 who have been on the Implementation Workgroup that
21 have contributed wonderfully to those discussions.
22 And so, if or how they get formally incorporated
23 into the Advisory Group membership will be a
24 discussion.

25 And why I stress the word "formally" is

1 that throughout this whole thing we've made it
2 very clear is that non-members are willing to
3 participate are encouraged to speak. We've
4 actually written that into the operating
5 procedures that the discussion is not just that
6 the meetings are open for people to come and
7 listen but that they are encouraged to contribute.
8 But that's going to be a challenge to figure out
9 what the membership will be. And there is the
10 possibility that some of the Implementation
11 Workgroup members can be sort of quasi-official by
12 being the alternate of some of the people who are
13 still on the Advisory Group and continuing at
14 least until the end of their terms. So that's
15 going to be a discussion.

16 But as has always been the case with
17 the Advisory Group, that discussion happens away
18 from this meeting, and then the recommendations
19 for individuals are sent to you guys for approval.
20 So that's not something that really needs to be --
21 the process of coming up with those individuals
22 doesn't need to take the time of this meeting
23 though, as I said, the final approval does. So
24 that's a task still ahead of us.

25 The other activity that's happening in

1 the Implementation Workgroup is that Chris
2 Bellucci and his committee completed the report on
3 the USGS data networks. I forwarded that to you.
4 That was on Friday. That was not obviously in
5 time to get on your agenda for discussion today.
6 It is, as with the other topical reports that have
7 come out of the Implementation Workgroup, the
8 workgroup's recommendations to you folks, and then
9 what you decide to do with those recommendations
10 obviously is your call. So that's something. And
11 I did suggest that if there were specific
12 questions that they be directed to Chris because
13 he is the most knowledgeable about what all that
14 process was, very ably assisted by Ali Hibbard, as
15 well as the entire group.

16 And so that's all that we've been up to
17 unless there's somebody else on this call who has
18 been attending those meetings who can think of
19 something that I may have forgotten.

20 THE CHAIR: Thank you, Virginia.
21 That's a lot. It sounds like our February meeting
22 is going to be a busy one.

23 Anything else, questions for Virginia?
24 (No response.)

25 THE CHAIR: Thank you. Moving on to

1 the Interagency Drought Workgroup. Martin, I
2 believe you have a meeting coming up.

3 MARTIN HEFT: Yes, we have a meeting
4 this Thursday. 2023 was the third wettest year on
5 record and also --

6 THE CHAIR: You did a great job,
7 Martin, such a great job.

8 MARTIN HEFT: And this past December
9 was the third wettest December on record. As
10 we're looking at 2023, we actually bumped up over
11 1972 which was in third place and almost 65 inches
12 of rain this past year. So we are in third. We
13 didn't beat out 2011, which was 69.23 inches, but
14 we came pretty close being in third place, and
15 that's after our last rainfall this past Thursday.
16 So I just wanted to announce that because that was
17 an interesting fact being the third wettest, you
18 know, on record at least as far as records have
19 been done.

20 The other item I wanted to just
21 mention, I mentioned at the last meeting, was that
22 we had agency staff from Emergency Management and
23 Homeland Security and OPM went up to Massachusetts
24 and met with the Massachusetts Drought Task Force.
25 Both states provided overviews of their drought

1 management plans and discussed several topics over
2 the course of the day, including public outreach
3 messaging on drought and movement in and out of
4 drought stages.

5 One of the items of particular interest
6 was in their Massachusetts Management Plan update
7 they reevaluated their drought stage parameters
8 and honed in on measurements used to declare
9 drought stages and develop alignment between their
10 drought stages and the U.S. Drought Monitor. So
11 Connecticut agency staff plans to closely review
12 that new plan to aid in developing any
13 recommendations for our Drought Management Plan.

14 There were a number of topics that, you
15 know, unfortunately were not touched upon,
16 including those that require agency specific
17 knowledge. And unfortunately all the agencies
18 weren't able to attend the first meeting, but we
19 know that their continued cooperation between our,
20 you know, sister state in Massachusetts and
21 potentially with some of our other states will
22 help us in our planning moving forward. So I did
23 want to just report on that and thanks to those
24 team members that were able to go up there and do
25 that. And we'll be hearing more about all of that

1 at Thursday's Interagency Drought meeting.

2 THE CHAIR: Great. Great news about
3 the conditions, for sure. And, you know, we can
4 get comfortable for a while, but you never know
5 what's in store for the future, for sure. So I
6 appreciate the group's efforts.

7 Oh, there's -- I was looking for
8 Denise. There's Denise. Denise, you're up next.
9 Happy new year. Outreach and Education, Denise.

10 DENISE SAVAGEAU: Yes. So the Outreach
11 and Education Workgroup met today to kick off the
12 year. And we're starting work on our 2024 plan of
13 work, and that is focused on our workshops. So we
14 have two that are planned this spring which we're
15 working on right now. One is going to be -- well,
16 just quickly, if you remember, we're looking at
17 having the theme of source water protection this
18 year and focusing on two important milestones:
19 The 50th anniversary of the Safe Drinking Water
20 Act, Federal Safe Drinking Water Act, and the 20th
21 anniversary of the Aquifer Protection regulations
22 for the State of Connecticut.

23 So keeping with that theme, Groundwater
24 Week is the first week in March. And so we're
25 looking at having a lunchtime workshop like we've

1 had, and that will be on March 6th. We're putting
2 that together now with DEEP staff. And again,
3 that will be somewhat of a celebration of the
4 Aquifer Protection Act during Groundwater Week,
5 and we'll be getting a save the date out on that
6 shortly.

7 Similarly, we are looking at
8 coordinating a workshop in May, which is, I
9 believe it's the first week in May. I have to
10 look at the dates again, but the week in May that
11 is Safe Drinking Water Week, and that's when we
12 will be looking at celebrating the 50th
13 anniversary of the Safe Drinking Water Act. We're
14 going to be coordinating that, obviously, with the
15 Department of Public Health that I know is working
16 on programs that way as well, and also with the
17 Connecticut Chapter of the American Water
18 Utilities -- it's not water utilities, whatever it
19 is, AWWA. My brain is not functioning there with
20 all those acronyms. So that's what we're focusing
21 on, the work.

22 And then we also had quite a discussion
23 on drought. And although, Martin, we're really
24 pleased to know that we had a lot of water this
25 year, we also know that we can go into a flash

1 drought very quickly, and this is the time to be
2 prepared. So we're finalizing a fact sheet on
3 drinking water, wells, private wells, and we have
4 a draft in place. We now kind of have to make it
5 look like, you know, make it pretty and make it
6 look like a fact sheet, and we'll be running that
7 by, again, some folks at the Department of Public
8 Health who focus on that private well side of
9 things.

10 And then we're also going to be looking
11 at the flash drought and making sure that we have
12 the educational materials out there and that
13 people understand what flash drought is. And we
14 did have Eric Lindquist come and give a
15 presentation to our group, and we're looking to
16 see if maybe that presentation can be done with,
17 you know, through folks first educating ourselves,
18 making sure that everybody that's involved,
19 whether it be at DEEP or DPH or any of the other
20 agencies, so making sure that everybody
21 understands this concept of a flash drought.

22 Eric went to a great program out west
23 and brought that back. And I know he gave a
24 presentation to this group on it already. We're
25 looking to do that and then bring that out and

1 also get a fact sheet out on what flash drought is
2 so people understand this concept we're talking
3 about. It's a little bit different maybe than a
4 flash flood because even though flash floods --
5 flash floods happen like almost immediately when
6 it's raining where a flash drought is, you know,
7 longer than a regular drought but still not
8 necessarily in one day. So how do we make sure we
9 have that concept out there, people understand
10 what flash drought is. So that's our main work.
11 And I'm happy to take any questions.

12 THE CHAIR: Very busy, as usual. Thank
13 you, Denise.

14 Any questions for Denise?

15 (No response.)

16 THE CHAIR: It sounds like it's going
17 to be a very busy year for the Outreach and
18 Education Group, two exciting things with the
19 anniversary of the Aquifer Protection and the Safe
20 Drinking Water Act, and look forward to being a
21 part of that. Any questions?

22 (No response.)

23 THE CHAIR: If not, thank you very
24 much. We'll move on to the Conservation Pricing
25 Rate Recovery Analysis Workgroup, Alicea. That's

1 a mouthful.

2 ALICEA CHARAMUT: We actually canceled
3 last month's meeting, so I don't have a report on
4 that.

5 THE CHAIR: That's quite all right. It
6 was the holiday season.

7 Margaret, is Margaret Miner with us?

8 MARGARET MINER: I am. Can you hear
9 me?

10 THE CHAIR: We can hear you loud and
11 clear.

12 MARGARET MINER: Okay.

13 THE CHAIR: Margaret, you're going to
14 talk about the Watershed Lands Workgroup, but you
15 can also talk about the other issue that you sent
16 me on New Year's Day.

17 MARGARET MINER: Yeah. Public comment?

18 THE CHAIR: Yes, wait under public
19 comment.

20 MARGARET MINER: Right. So, at any
21 rate, on the land I think Rich can do most of the
22 presentation. I have a draft of the recording of
23 the minutes of the last meeting which we will be,
24 as I said a week ago, we'll be sending it out this
25 week, but it will go out. And in it it's very

1 important that people do respond. We really have
2 a couple of items where we need to hear from our
3 members what they are -- how they would like to
4 proceed, but I think Rich can explain that.
5 People don't have to wait for, they don't have to
6 wait for a mailing asking them please comment. I
7 think we can explain it to them. We might even
8 track down a few with phone calls.

9 So Rich, if you'll take it from here,
10 explain. It's exactly the same report really we
11 gave the Advisory Group previously, just say once
12 again what we're doing, what we're going over, and
13 what you'd like people to speak to us about which
14 I think mostly is the land use questions that are
15 out there. So I'm turning it over to Rich.

16 RICHARD HANRATTY: Thank you, Margaret.
17 So we had a meeting of the Watershed Lands
18 Workgroup on December 8th and looked at a few
19 issues. We're looking at land use practices that
20 are or could or might put source water at risk and
21 a few different approaches in that area where
22 we're examining areas that have aquifers that are
23 known to be impaired or high risk. So we're
24 asking, reaching out to members and really anyone
25 else who have aquifers that they know or think

1 might be impaired or at high risk. And the other
2 approach would be to identify areas where rapid
3 development is posing harm to source water. So
4 any input, specifics would be greatly appreciated
5 as we move forward.

6 Another issue that we've been
7 discussing is we've reached out to DPH and we're
8 hoping to get some help with interpretation, but a
9 legal definition of Class II lands that are not in
10 a drinking water watershed. We're just trying to
11 look at the history of that and get some
12 clarification. So if anybody -- well, we touched
13 base, but we're going to follow through on that.

14 And also, we're taking a look at the
15 existing aquifer protection regs. I know it's the
16 20th anniversary. And we're just taking a look at
17 what's on the books and, you know, how things are
18 being implemented.

19 So anyone who has any input on any of
20 those issues or anything else that they think that
21 the Watershed Lands Workgroup could take a look at
22 in 2024 would be greatly appreciated. Our next
23 meeting will be March 8th. That's my report.

24 THE CHAIR: Thank you. Any questions
25 for Rich? Thank you very much.

1 LORI MATHIEU: Jack. Rich, to your
2 note, and I saw your question come to us, we as an
3 agency are not to issue legal advice on any of our
4 statutes. So, you know, that is something that we
5 cannot do. So that's where that one stands.

6 RICHARD HANRATTY: If we can get, you
7 know, we'll dig around and see, just to look at
8 the history, how it came about. I'm not asking
9 for a legal interpretation, and we understand.
10 Thank you.

11 LORI MATHIEU: Yeah.

12 THE CHAIR: Any other questions?

13 (No response.)

14 THE CHAIR: Thank you very much,
15 Margaret and Rich.

16 And we'll move on to other business, a
17 discussion of the 2024 legislative session. Any
18 of the members have any things you'd like to share
19 with us from the respective departments? Martin?

20 MARTIN HEFT: Nothing at this time
21 because nothing has been released yet. So the
22 session starts February 7th, first day of session.
23 I can let you know that, short session, we only
24 have three months to do six months of work. So it
25 will be fast and furious, of course, with any

1 midterm budget adjustments that there might be.

2 (AUDIO INTERRUPTION)

3 THE CHAIR: Margaret? Okay.

4 But Martin, to just clarify, you are
5 going to put in your budget for OPM for a position
6 to provide support to the Water Planning Council.

7 MARTIN HEFT: No. We already have a
8 position in the budget already, so there's nothing
9 new going in. We have a position in the biennial
10 budget already.

11 THE CHAIR: For July 1st, right?

12 MARTIN HEFT: Correct, so there's no
13 adjustments that are needed.

14 THE CHAIR: Got it.

15 MARTIN HEFT: And it's not a full
16 position for this Council.

17 THE CHAIR: Graham, anything exciting
18 at DEEP?

19 GRAHAM STEVENS: Yeah, lots of exciting
20 things at DEEP. We feel Martin's pain with
21 respect to the rain. You know, we've had far too
22 many days dealing with the outcomes there, but
23 this morning I joined Commissioner Dykes and the
24 lieutenant governor in Middletown.

25 THE CHAIR: I saw you on TV. You

1 looked very nice, very professional.

2 GRAHAM STEVENS: Thanks. I should have
3 -- yeah, I wasn't planning on being on TV.

4 THE CHAIR: Shout out to the Water
5 Planning Council.

6 GRAHAM STEVENS: I should have. I
7 should have, shame on me, to talk about a state
8 bond action with respect to dams. And, you know,
9 it's an interesting point, right. This is
10 infrastructure that protects some critical waters
11 of the state, in many cases used for drinking
12 water purposes or recreation purposes, in some
13 cases multiple purposes.

14 So other than that, we don't anticipate
15 a busy session as far as DEEP initiatives are
16 concerned. There are some things I would like to
17 talk to the Council about next month with respect
18 to resilience and what DEEP is doing in the area
19 of resilience and green infrastructure which does
20 really tie in well with both source water
21 protection issues as well as water management
22 issues in general. So hopefully I can come back
23 next month and I'll get on the agenda to give a
24 little bit of an update on what's going on there
25 in that arena.

1 Big news at DEEP, at least in the last
2 few weeks, as we have a new deputy commissioner
3 who we'd like to have join the Water Planning
4 Council to say hello. Emma Cimino, who some of
5 you may know from past roles both in previous
6 administrations with the office of the governor
7 under Governor Malloy as well as Senator Murphy's
8 office most recently. So we're really happy to
9 have her fill that spot which was being filled by,
10 you know, my peer on a temporary basis, Tracy
11 Babbidge, who's a great person to work with. So
12 I'm sure you will find Emma to be fantastic to
13 work with as well. So hopefully we can get her to
14 one of these meetings to say hello and listen in,
15 in the next month or two. Thanks for asking,
16 Jack.

17 THE CHAIR: Thanks for the updates. We
18 appreciate it.

19 Lori, there's always something going on
20 with public health.

21 LORI MATHIEU: There is, but no update
22 at this point.

23 THE CHAIR: Okay. All right. Thank
24 you. So let's move on to, before we announce the
25 the next meeting, let's move on to public comment.

1 I know Margaret has some public comment to make.

2 MARGARET MINER: Yes, I do. And thank
3 you for muting me when I thought I was.

4 So my update is on the Wykeham Rise
5 project in Washington which I have presented to
6 you before. It was and is the largest project
7 ever proposed in the Town of Washington, years and
8 years of negotiation and litigation. It was
9 approved a month ago in November. But to my mind,
10 it raises several questions that really have
11 nothing particular to do with Wykeham. And so
12 what I wanted to report to you is the overarching
13 questions and some of the half arching questions
14 that came out of this. And I don't think it
15 really needs -- it can be like a hypothetical even
16 to speak about water utility, applicant hotel. I
17 think it's similar to the kind of applications
18 people will see.

19 The first large overarching issue that
20 came up is that under this perfectly legal
21 arrangement the public has no opportunity to weigh
22 in at all. The commission's position, which other
23 commissions may take if nobody objected, no lawyer
24 objected, is that local commissions and boards
25 have no purview over water supply arrangements.

1 If you want, if a citizen wants to make comments
2 and they think there's something to be questioned
3 or clarified or even oppose a water supply
4 arrangement, there's no place for them to go. It
5 won't even -- a few of the people that were sort
6 of shocked what happened, it's not going to go to
7 DPH. It doesn't go to WUCC because it is
8 considered to be in that class of agreed-upon
9 transfers that the water utility can make without
10 even asking DPH, much less speaking to residents.

11 Now, of course in individual cases
12 there may be good relations or not so good with
13 the water company. Dan Lawrence has certainly
14 been a leader, but it's not clear what role the
15 WUCC can play since, in fact, they -- you know, in
16 terms of negotiating or having people come
17 forward. There just is no place for the public to
18 go.

19 Another open question that came out of
20 this is, and I put this to you before, was the
21 zoning commission correct in this case. Is it
22 true that local land use commissions do not have
23 purview over water supply. And if people come to
24 them with water questions, which they do all the
25 time, they should be told you have to go to the

1 state or possibly an extension of the state like
2 the health district but don't come here. So
3 that's what was operative in this case, and I'm
4 curious if that would be operative in other cases.

5 A third issue that occurred to me,
6 you'll remember that DEEP put out in about 1999,
7 Denise Ruzicka wrote a very important report
8 called, I think, "Water 2000." And in that report
9 she -- one of their goals was to get away from the
10 state policy of first come, first served. I'm not
11 sure where we stand on it. I think we have to
12 some extent moved away, but that occurred to me as
13 a question that was a goal and how have we done.

14 An ancillary question is, if a water
15 company, a water utility holding an ESA proceeds
16 with a question on a connection or a question on a
17 supply arrangement, can the applicant then say,
18 legally correctly can the applicant then report to
19 the town or to anyone who asks we have DPH
20 approval. Now, DPH may not as an agency, may not
21 even have seen, and in this case had not seen, but
22 there's no reason that it should even see these
23 applications. So is it correct that kind of by
24 implication, if it's approved, if the water
25 utility approves supplying its own water, DPH --

1 that implies DPH approval.

2 There's a couple of little questions.
3 I think my question, in some cases I think the
4 current law disadvantages the applicant. The
5 applicant may -- sorry, actually the water
6 utility, I think it frequently disadvantages the
7 applicant. And one example is, I think, and
8 anyone on the Zoom can correct me, but I think in
9 some circumstances when a new large facility,
10 let's say a hotel or a school wants water, let's
11 say it's a hotel, the applicant has to pay -- and
12 a well is needed -- so the applicant has to pay
13 for the creation of the supply which can involve
14 you dig a well on your own property. And I heard
15 this other, not Wykeham case, I heard in another
16 Bridgewater case you dig a well on your own
17 property, but according to water utility quite
18 high standards, higher than the state, you pay for
19 that, and then the water utility takes over the
20 well and sells your water back to you. That
21 strikes me as it's going to raise complaints.

22 And finally an important aspect that
23 relates to supply theoretically, as I understand
24 it, under the current law the ESA holder is
25 supposed to provide water no matter what to

1 people. Sometimes I've seen trucks bringing in
2 water. That should only be a short-term solution.
3 I believe WUCCs have discussed what do we do if we
4 just don't have the water, we're the ESA holder,
5 but, you know, we've contracted out 10,000
6 gallons. If we sell anymore water right now,
7 we're going to imperil our margin of safety.

8 So the ESA holder -- this is, I think,
9 difficult for the water utility -- the ESA holder
10 has a heavy responsibility which I don't know in
11 some cases how they can realistically fulfill
12 under the old version when Rural Water in Bethel,
13 I think, Brookfield went out of business. They
14 just said we don't have the water, we're going out
15 of business, that was it, nothing happened. What
16 happens to water utilities under the newer law
17 that are responsible? And it still sounds like,
18 you know, they have to respond to everybody who
19 asks, if they really don't have the water?

20 So those questions, I put them in a
21 little memo, they all have come up in connection
22 with other cases. I don't think it's necessary to
23 relate them to Wykeham. Just pick out the
24 features that are common, which is what I'm
25 thinking of doing, you know, a large application

1 in a small town, an ESA, and so forth, and try to
2 get some answers. These are large questions to be
3 kind of ambiguous. So that's my report. What
4 happened with Wykeham doesn't so much matter what
5 happened, to my mind, as what questions emerged
6 from that process. So that was my comment/report
7 that ran on a bit.

8 THE CHAIR: Thank you, Margaret.

9 Martin, would you like to respond? You
10 sent me something very interesting.

11 MARTIN HEFT: Thanks, Margaret. I just
12 wanted -- one of the notes you said about zoning
13 and whether or not they actually have authority
14 over wells, they actually do. It's actually right
15 in state statute, Section 8-2 for zoning. Zoning
16 is local, so the state, as you know, gave all
17 zoning authority over to local municipalities. I
18 think we only have one town in the state that does
19 not have local zoning on it, but part of it is,
20 actually says that the zoning commission, and I'm
21 not going to read through the whole thing, but it
22 says, you know, what they're supposed to be --
23 that they regulate within the limits of the
24 municipality is including water dependent uses.

25 There's also an old Office of

1 Legislative Research report where a question was
2 asked -- and I'll be happy, I'll send these to
3 you, Margaret, as well -- where the question was
4 asked, you asked whether municipal zoning
5 commissions were authorized to consider the
6 effective development on the quantity of drinking
7 water available from private wells. And, you
8 know, in quick summary, it says state, you know,
9 delegation of the zoning authority of the
10 municipality grants them broad authority to
11 consider drinking water issues.

12 It goes on to state that, you know,
13 that statute I just referenced there on that that
14 they do, local zoning does have that authority,
15 and that is where that lies. So I did want to
16 just note that to you on it that it is not a state
17 function at that point, you know. It is a local
18 zoning issue to make those considerations done.
19 And it's in statute, and I'll send you the statute
20 as well as this Office of Legislative Research
21 report. Granted, it was done in 1996, but it's
22 still applicable.

23 MARGARET MINER: Thank you, and that's
24 very helpful. I have a question of how well, how
25 consistently that can be applied in practice under

1 current law. For instance, I'm not sure the
2 zoning commission meet every year about the
3 arrangement unless somebody complains, and there's
4 not much incentive under the present circumstances
5 to complain. That's an important statute. I
6 don't know how it would play out in practice in
7 applications and in decisions involving current
8 law which includes the WUCC and the ESA law. So
9 more research, more research to be done. And
10 thanks, Martin. That's very helpful.

11 THE CHAIR: Thank you. Lori, do you
12 want to weigh in?

13 LORI MATHIEU: There's also, as Martin
14 mentioned, there's a mention of some of this
15 similar to 8-2. There's a mention in municipal
16 statutes 8-23, which is the responsibility to
17 produce a local plan of conservation and
18 development. And there's also a linkage to 8-25
19 which speaks to planning and zoning oversight. So
20 there is quite a few different statutes there that
21 make a mention of zoning and on public water
22 supply.

23 MARGARET MINTER: (AUDIO INTERRUPTION)

24 THE CHAIR: You broke up a little bit
25 there, Margaret.

1 MARGARET MINER: I'm sorry. Too many
2 statutes. That's all. Thank you.

3 THE CHAIR: Okay, Margaret? To be
4 continued.

5 MARGARET MINER: Okay.

6 THE CHAIR: Thank you. Any other
7 public comment? Any other public comment today?

8 (No response.)

9 THE CHAIR: If not, before we adjourn,
10 I would like to point out that I believe this is
11 Dave Kuzminski's last formal meeting on the Water
12 Planning Council because he's leaving us and
13 retiring after 50 years, god bless him, of service
14 to his town.

15 Is that correct, David?

16 DAVID KUZMINSKI: Yes, it is. My
17 expiration --

18 THE CHAIR: Why are you leaving? We're
19 just getting started.

20 DAVID KUZMINSKI: Well, I'll stay
21 involved. I'll stay involved. It's just that I
22 won't be under the employ of the town. I've got
23 some ideas, and we're going to be talking a little
24 bit more about it in the future. So we'll keep
25 you posted.

1 THE CHAIR: Well, please do. On behalf
2 of my colleagues, I want to thank you for all of
3 your support during my tenure on the Council and
4 not only what you've done with the Council but
5 also what you've done with your programs through
6 the town television network and getting our
7 message out to the public. We appreciate you
8 helping us host some of our seminars, hosting some
9 meetings for us. I want to thank you. Really
10 you've been a great, a treasure to work with. And
11 we know you're not going to go away, but you're
12 just not going to be working for the town, you're
13 going to be retired.

14 DAVID KUZMINSKI: Thank you. Thank you
15 so much. We're going to be doing some podcasting.
16 So anybody who wants to be on Careers you Didn't
17 Know About and The Future of Water and Wastewater
18 Industry, hit me up.

19 THE CHAIR: I like your podcasts.
20 Those are great. So appreciate that. Thank you,
21 thank you.

22 Anything else to come before us before
23 we adjourn? We're between meetings, so if
24 anything comes up, shoot me an email so we can get
25 things on the agenda, things we ought to be aware

1 of. We appreciate everybody's support to the
2 Council, and we look forward to a great 2024.
3 And, you know, this Council has been in existence
4 for 24 years. I believe it was 2000. So we'll be
5 celebrating the 25th anniversary of the Water
6 Planning Council. We'll have a big celebration.
7 But again, thank you all.

8 Anything else to come before us?

9 Denise just said that's our theme for
10 next year. Thank you, Denise. Denise just sent
11 me a note. Yes, that's our theme for next year.

12 Motion to adjourn.

13 MARTIN HEFT: So moved.

14 THE CHAIR: Second?

15 LORI MATHIEU: Second.

16 THE CHAIR: All those in favor, signify
17 by saying aye.

18 THE COUNCIL: Aye.

19 THE CHAIR: We are adjourned. Thank
20 you all very much.

21 (Whereupon, the above proceedings
22 adjourned at 2:23 p.m.)
23
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25

1 CERTIFICATE

2

3 I hereby certify that the foregoing 38 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the Regular Meeting of the Water Planning
7 Council, which was held before JOHN W. BETKOSKI,
8 III, WPC CHAIRMAN AND PURA VICE CHAIRMAN (via
9 teleconference) on January 2, 2024.

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18 Lisa L. Warner, CSR 061
19 Court Reporter

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1 I N D E X

2 VOTES TAKEN
3 (Unanimous Approval)

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1 **I n d e x: (Cont'd)**

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3 **6. Business**

- 4 **a. Discuss 2024 Legislative Session:**
- 5 - Martin Heft 24
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6 **7. Public Comment:**

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10 **8. Adjourn 38**

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