

Water Planning Council Advisory Group

June 25, 2019 Meeting Minutes

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

Members Present:

Karen Burnaska	CT Fund for the Environment/Save the Sound
Josh Cansler	Southeastern CT Water Authority
Alicea Charamut	Fisheries Advisory Council
Virginia de Lima	USGS CT Water Science Center
Mike Emmons	CT Nursery & Landscape Assoc.
John Hudak	South Central CT Regional Water Authority
Fred Klein	CT Power and Energy Society
Joanna Rogalski (Alt)	Naugatuck Valley Council of Governments
Ken Skov (Alt)	Aquarion
Denise Savageau	CT Association of Conservation Districts

Members by Phone:

David Knauf	Darien Health Department
Martha Smith (Alt.)	Rivers Alliance
Tom Tyler	MDC

Other Attendees:

Judy Allen	Save Our Water CT
Bruce Wittchen	OPM

Members Absent:

Curtis Anderson	Connecticut Irrigation Contractors Association
David Bjerklie	Pomperaug River Watershed Coalition
Eric Hammerling	CT Forest and Park Association
Patrick Kearney	Manchester Water & Sewer
Richard Sobolewski	OCC
vacant	Agriculture
vacant	formerly Small Investor-owned Water Utility

1. Call to Order

The meeting was called to order at 1:35.

2. Agenda Review

There were no changes to the agenda.

3. Approval of Minutes

A motion was made and seconded to approve the [minutes of the May 21, 2019 meeting](#). The motion passed unanimously, with Fred Klein and Joanna Rogalski abstaining because they had not attended the meeting.

4. Water Planning Council Update

a. Plan Approval

There was a discussion of the mechanism of plan approval. Fred Klein explained that the plan was adopted via a joint resolution [HJ 171](#), but the legislature also passed companion language in [HB 7194](#) (PA 19-194):

Sec. 3. (NEW) (Effective from passage) In the event of conflict between any provision of the state water plan and any provision of the general statutes, the provision of the general statutes shall control.

Alicea Charamut said the Governor might sign the joint resolution, although it is not required that he do so. The bill does require a signature. Karen said she believes that bill has no opposition, but it does not have to be signed. The governor has three choices: to sign it; to veto it; or to do nothing and the bill becomes a law after a certain period. John Hudak mentioned that the WPC discussed having a plan adoption celebration at its August meeting.

b. Implementation Work Group (IWG)

Virginia de Lima said the group met 6/18 and there was a lengthy discussion and critique of the draft diversion reporting form developed by DEEP and others. She said one point of discussion was the expectation that diverters that do not pump water regularly would be expected to average their use on a day they did pump across the days they did not pump. The reported volume would not be representative of the actual use.

Virginia said another issue discussed at the meeting was how to track implementation. Members of the IWG believe they can their own work, but not agencies' actual implementation. The IWG believes each agency should be responsible for tracking its implementation efforts.

Virginia added that a question remains about how implementation by non-state entities would be tracked. She mentioned EPA's role regarding Long Island Sound as being one example. Virginia also said that, if a water czar were appointed as envisioned during the planning process, that person could be responsible for tracking.

c. Topical Sub-Work Groups

Virginia said the IWG is forming groups to focus more closely on private wells and on drought planning. Virginia said IWG member Mike Dietz has identified seven people

to participate in the private well group and Steve Rugar is forming a drought group. The IWG will meet again on 7/2, at 11:30, even though the WPC has canceled its meeting that day.

John Hudak asked about the IWG's current vacancy and Virginia said the group is waiting for the WPCAG nominating committee's recommendations. Alicea Charamut said she has suggestions for how to track implementation. She explained that nonprofits having limited resources often use Google forms for such a purpose and such a form can be completed by people at different locations. An IWG subgroup could review the document twice per year to curate it.

Virginia de Lima said the WPC will have to approve an implementation tracking system and Alicea recommended an example be prepared for WPC consideration. Denise Savageau said citizen science efforts commonly use such an approach to collect data from different people. John Hudak said agencies have to step up and Denise Savageau said it might be handled by a partnership of state and private sector people.

d. Other WPC/State Water Plan Topics

There was a brief discussion of the recent completion of the statewide stream flow classification and of a recent [sustainability workshop sponsored by the CT Section of the American Water Works Assoc.](#)

5. Old Business

a. WPCAG Nominating Committee

Josh Cansler said the committee met and the WPCAG must now weigh in. He mentioned the vacancy created on both the WPC and IWG when Bryan Hurlburt was appointed Commissioner of Agriculture. Joan Nichols of the [CT Farm Bureau Assoc.](#) (CFBA) said the CFBA expects to name Bryan's replacement as Executive Director by the end of the summer. She will fill in for him in the interim and might be the CFBA's permanent designee if the CFBA retains its position representing agriculture.

John Hudak said he is concerned about the extended delay, but he believes the CFBA is the most broad-based representative of agriculture in CT. Virginia said we need an organization that is committed to this and previous CFBA has not been in the past. She feels the same about the WPCAG's business representative. There was a discussion of other options and of reaching out to Joan Nichols to learn if the organization can participate more regularly in the future.

Denise Savageau pointed out that a small pool of people represent the agriculture community in various organization across the state. She pointed out that it does not need to be CFBA staff who represent the organization; a member of CFBA or of another group can. She offered to look into this. Virginia de Lima suggested the Natural Resources Conservation Service (NRCS) and Denise agreed they have expertise and said they should contribute.

Virginia de Lima recommended that John Hudak reach out to Joan Nichols. There was further discussion of how agriculture can be represented in the WPCAG and

IWG and Denise Savageau said the NRCS should be seen as being neutral, not exclusively representing either in-stream or out-of-stream interests. Josh Cansler agreed with the need to contact Joan and John Hudak said the priority at this time should be to fill the IWG vacancy.

Josh Cansler said there is another vacancy, created by the retirement of Robert Wesneski, but the plan has been to fill it with someone representing an in-stream interest rather than another out-of-stream interest. The WPCAG has been out of balance in favor of out-of-stream interests. The committee has discussed the possibility of designating the position to be filled by someone representing endangered species and is looking for input from other WPCAG members.

John Hudak pointed out that the WPCAG does not include anyone representing lake interests and noted the number of people living along or otherwise using lakes and the unique challenges they face. The [CT Federation of Lakes](#) (CFL) might be an appropriate organization to represent lakes. Alicea Charamut and Virginia de Lima each said they that is a good idea. Alicea added that the CFL is an active group and Virginia noted that the current representative of recreation interests is with a land-oriented organization.

There was a discussion of getting WPC input into this process. Karen Burnaska said Sean Hayden of the [Lake Waramaug Task Force](#) is another possible representative of lake interests. She mentioned that he had previously been with the NW CT Conservation District for a number of years and Denise Savageau spoke of his technical skills. Josh Cansler asked if his committee should pursue this option.

Denise Savageau said she sees this as a broader inland waters category. She described inland wetlands & watercourses regulations and said Sean is familiar with those. The [CT Assoc. of Conservation and Inland Wetland Commissions](#) (CACIWC) was mentioned and Denise said there may or may not be an advantage in having the person represent such an organization.

There was further discussion of whether a new member should specifically represent lake and pond interests and Denise Savageau noted that land use is a category that is missing from the WPCAG. There was further discussion of differences between related categories, such as lakes & ponds vs rivers & streams, and of the value of considering other possible topics, such as invasive species. Denise Savageau pointed out that the [CT Green Plan](#) prioritizes land that protects source waters or watersheds.

John Hudak said that the group should avoid someone who is too specialized in one of these areas. There was a discussion of Larry Marsicano, who left the [Candlewood Lake Authority](#) and is now a [lakes consultant](#). There was further discussion of whether to recommend someone with more of a water focus or of a land focus.

Denise recommended that a lands person be more focused on land use than land preservation. There was further discussion of the breadth of land use issues and how that contrasts with Karen Burnaska's land preservation role. John Hudak said a person whose focus is on water is more likely to understand land issues than the opposite. Josh Cansler provided some background regarding the group's discussions last year.

Mike Emmons said regulations are very different for ponds and streams and said a consultant like Milone & MacBroom will have expertise in both. There was a discussion of having a consultant in such a role and whether a consultant can reasonably advocate for in-stream interests.

The group discussed the terms of a vote between a lakes interest and a lands interest, with a name to be determined later. A vote was called and lakes won, 7-4. There was further discussion of the next step and Josh Cansler will contact Sean Hayden.

Josh Cansler said the next position to discuss is Mike Emmons' position representing the [CT Nursery & Landscape Assoc.](#) (CNLA), as well as the [CT Business & Industry Assoc.](#) (CBIA). He explained that Mike is retiring, but is interested in continuing and CNLA supports that. Mike said he is interested in the group's work and will be an active participant.

Josh Cansler proceeded to the irrigation industry position and said the current member has not attended in the past year and his alternate attended once. He suggested that Mike Emmons' position represent water-intensive industry and that a greater effort be made to have CBIA designate someone to represent broader business and industry interests. He said the co-chairs should reach out to CBIA's CEO and referred to a draft letter that had been circulated.

The next position to discuss is the position representing consumer interests, which traditionally has been occupied by someone from the state [Office of Consumer Counsel](#) (OCC). He mentioned that OCC has not participated in any meeting in the last year, but has offered to assign someone else who should be able to attend more reliably.

Josh mentioned that there has been some interest in looking elsewhere for someone to represent consumers and that Brenda Watson of Operation Fuel has been mentioned as a possible candidate. John Hudak described her background and Judy Allen complimented Brenda on her work with low income residents' water bills and said Brenda probably would be interested. Fred Klein said Operation Fuel is focused more on energy and OCC should continue in its role. Judy Allen said Operation Fuel has also been assisting MDC consumers.

Alicea Charamut said she will be meeting with Brenda and Denise Savageau said Brenda's background would be beneficial in addressing environmental justice issues and in reaching leaders who might not recognize the impact of rural land use on the urban drinking water supply. There was further discussion of members' preferences and a motion was made to ask Brenda if she would be interested in joining the WPCAG and the motion was seconded. There was further discussion about the position and whether action should be postponed due to the departure of Consumer Counsel Elin Swanson Katz. Denise Savageau called the question and the motion passed unanimously, with Fred Klein and Karen Burnaska abstaining.

John Hudak recommended that the nominating committee prepare a list of alternate members so the WPC can approve it with one sweeping vote.

b. 2019 Legislative Session Recap

Alicea Charamut said Sec 1 of [PA 19-194](#) (HB 7194) modified [CGS 22a-483f](#) to make investor-owned water companies eligible for Clean Water Act funding. She also mentioned [PA 19-190](#) (HB 6637) which adds a \$5 aquatic invasive species fee to boat registrations. Sec. 2 of that act expands the CT Lakes and Ponds Preservation account of [CGS 14-21aa](#) to also include rivers. Alicea mentioned three bills that did not pass, including [HB 5910](#), which would have restricted the use of [per- and polyfluoroalkyl substances](#) (PFAS), [HB 5999](#), which would have established a dedicated pesticide enforcement account for DEEP, and [HB 7408](#), which would have given municipalities the option of forming a storm water utility.

John Hudak mentioned Sec. 75 of [PA 19-117](#) (HB 7424), which authorizes DPH to assess fees on public water systems, but with checks and balances desired by the water industry. He also mention [PA 19-150](#) (SB 1029), which is intended to address utility workforce needs.

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

Ken Skov noted that the Central WUCC met.

- d. Other

There was no other old business.

6. WPCAG Work Groups

- a. Watershed Lands Work Group

Karen Burnaska referred to a draft letter to DPH that the workgroup has prepared on behalf of the WPCAG. The goal is to learn DPH's process when considering requests for solar energy installations on water company property. John Hudak said he needs more time to go through it and Karen said it should go to DPH as is and the WPCAG get more specific later. John said he is looking for clarity too.

There was a discussion of replacing the term "policy" with "criteria" or "guidelines" and Karen said DPH is more amenable to the word "policy". John said he will provide comments. Fred Klein said the request is more likely to succeed if the letter asks for "policy", not a "policy statement", and if it asks what criteria are used, rather than ask for the criteria.

There was further discussion of the purpose of the request and how much is changed. Virginia de Lima recommended that John Hudak share his comments with the lands work group for vetting. She made a motion that the work group review the comments John that will provide and then the co-chairs can send it to DPH. The motion was seconded and approved unanimously.

7. New Business

- a. Other

There was no new business.

8. Public Comment

Denise Savageau said the CT Council of Soil & Water Conservation Districts did not receive the grant they had sought, but a new RFP has been posted and they are reworking the previous application. She provided some background regarding the scope of the potential work. Denise said the [Natural Resources Conservation Service's](#) (NRCS') State Conservationist has a key role and described changes in the funding process and provided further background.

Judy Allen mentioned a discussion at the WPC meeting about broadcasting meetings live and said it would be better if recordings can be available later, when more people can view them. She also mentioned that the Central WUCC is looking at small systems and there was a discussion of the differences between the oversight of small public water systems and private wells.

9. Future Meeting Topics/Presentations

John Hudak mentioned the recently announced [Pomperaug River low-flow operations plan](#) and said it could be a good topic for a future presentation.

10. Next Meeting Date

The next meeting will be July 16.

11. Adjourn

The meeting adjourned at 12:52 p.m.

Minutes prepared by Bruce Wittchen, OPM