

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 7, 2010

Gilbert Bligh
New Britain Water Department
25 Caretaker Road
New Britain, CT 06052

Jack Keefe
Connecticut Water Company
93 West Main Street
Clinton CT, 06804

Re: Water Utility Coordinating Committee (WUCC) Consolidation and Minimum Stream Flow Regulations

Dear Mr. Bligh and Mr. Keefe,

Your letter of June 7, 2010 to Commissioner Galvin is a joint letter that resulted from a joint meeting of your two coordinating committees on May 12, 2010. In your letter you inquire about the process that would be followed to either consolidate existing WUCCs or re-delineate management area boundaries. In considering your question we have reviewed the history of the WUCCs and Connecticut General Statutes (CGS) Section 25-33c et seq. which governs the process, as well as consulted with our legal council.

CGS Section 25-33e sets forth the time in which the initial boundaries of the public water supply management areas were established. The boundaries for both Committees were established in 1986 in accordance with the provision. The statute sets forth various factors that the Commissioner was obligated to consider. These are as follows: (1) the similarity of water supply problems among the water companies in the preliminary management area; (2) population density and distribution in the area; (3) the location of existing sources of public water supply, service area 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 the Commissioner deems relevant.

It has now been almost twenty-five years since the determinations were made by the Commissioner forming the boundaries of your respective management areas. The relevant statutes do not specifically speak to changing the boundaries after they have been established. However it is recognized in law that a state agency may change a previously rendered decision upon a determination that changed conditions now exist which makes the original decision no longer appropriate. See, e.g. CGS 4-181a(b).

It seems to be that your organizations feel that changed conditions have occurred which warrants the alteration of the original decision. Therefore they should jointly apply for a reconsideration of the original decision in light of the changed circumstance that presently exists. The application should with specificity outline why the current circumstances have changed from the original ones that necessitate a merger of the two organizations.

Phone:



Telephone Device for the Deaf: (860) 509-7191

410 Capitol Avenue - MS # _____

P.O. Box 340308 Hartford, CT 06134

Affirmative Action / An Equal Opportunity Employer

If your organizations were to initiate such reconsideration the Commissioner would provide notice to all the parties who participated in the initial determination and give them an opportunity to participate in the proceeding. CGS 25-33e required a hearing be held upon the initial determination and an opportunity for a hearing would be provided for the reconsideration.

It should be pointed out that if the Commissioner were to render a new decision and authorize the merger of your respective committees the new WUCC would have to implement a new organizational structure with the appropriate by laws. It would also need to prepare a coordinated plan pursuant to 25-33h to reflect the revised management area.

Your letter also expresses concern of what affect the draft minimum stream flow regulations will have on water supply planning. This department's comments on the draft regulations and the potential affect on public drinking water systems are on record on the Department of Environmental Protection's (DEP) website. I recommend contacting DEP for any further clarification or updates on the draft regulations. Once these move forward toward becoming a final regulation, the WUCC and their coordinated plans will become a very important planning tool concerning the identification and protection of the state's high quality future sources of public drinking water.

Please do not hesitate to contact myself or Lori Mathieu of my Drinking Water Section staff to discuss the above information and determination. Thank you for your interest in the future of the WUCC process and for your service as Chairs for your respective WUCCs, it is with your leadership and input that we continue to address water supply planning in Connecticut.

Sincerely,

A handwritten signature in black ink that reads "Ellen Blaschinski". The signature is written in a cursive, flowing style.

Ellen Blaschinski, Chief
Regulatory Services Branch

c: Norma D. Gyle, DPH Deputy Commissioner

Ellen



CITY OF NEW BRITAIN
NEW BRITAIN, CONNECTICUT
WATER DEPARTMENT



June 7, 2010

Commissioner J. Robert Galvin, M.D., M.P.H., M.B.A.
State Department of Public Health
410 Capitol Avenue
P. O. Box 340308
Hartford, Connecticut 06134-0308

RECEIVED
REGULATORY SERVICES BRANCH
2010 JUN - 8 P 1:55

Re: WUCC Consolidation and Minimum Stream Flow Regulations

Dear Commissioner Galvin:

At the joint meeting of the Upper CT. River WUCC and the South Central CT. WUCC, which met on May 12, 2010, the membership voted to request the description of the process to be followed to consolidate established WUCCs. Also, what the process would be to re-delineate Public Water Supply Management Area boundaries initially established pursuant to the statewide coordinating planning process.

The membership also discussed concerns of what affect the anticipated DEP stream-flow regulations will have on water supply planning, to include approved, under review or being developed.

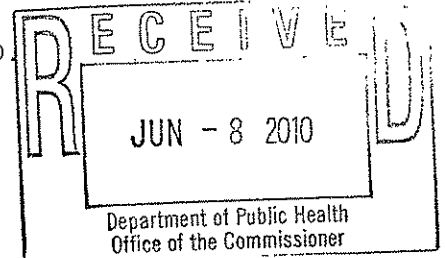
To that end, we are asking the Connecticut Department of Public Health, Water Supplies Section respond to our information request by August 23, 2010 so it can be sent out with the agenda for our upcoming September 22, 2010 meeting.

Very truly yours,

Gilbert J. Bligh
Chairman,
Upper CT. WUCC

Jack Keefe
Chairman,
South Central CT. WUCC

Cc. Deputy Commissioner Norma Gyle, R.N., Ph.D.



J. Robert Galvin, M.D., M.P.H., M.B.A.
Commissioner

Done



Commissioner's Office
T(860) 509-7101 F(860) 509-7111

Date: 6/8/10
To: Ellen Blaschinski

Immediate Important Routine

- Prepare Response for:
 - My Signature
 - Governor's Signature
 - Respond Directly, Copy Me

- Investigate and Advise
- As requested
- Comment and Return
- Circulate
- Brief Me:
 - In Writing
 - In Person

- For your Follow-up
- For your information and/or files
- Per your request

Other:

Comments:
Please respond within 5 days.

