

**CONSUMER AFFAIRS COMMITTEE**

**REPRESENTATIVE POLICY BOARD**

SEPTEMBER 16, 2024

MEETING TRANSCRIPTION

Naomi:

Good evening, everyone. I'm going to call the meeting to order.

First, I'll go over the safety moment, and I know some have heard it, and maybe, others haven't. It's just pedestrian safety month. Let's all just watch out for the pedestrians. Keep your eyes up and your phones down, especially when crossing the street.

Try to use crosswalks as possible. Make eye contact, or wave at drivers if we're walking, and at night, getting the habit of carrying the flashlight or wearing something reflective.

And also, there's another thing which I'm adding to this, is that, if you are out walking, try to avoid wearing the earbuds, which so many young people do nowadays, just so you're... here in case, someone's approaching you, things like that.

Also, as we're driving down the busy streets this day and age, we have to be careful, watch pedestrians. Most of them don't cross in crosswalks, so we just have to really be extra careful about that.

And also, remember, to keep our headlights on and slow down at night when possible. And also, keep in mind it's going to start getting darker earlier, so just, really, just be cautious, be aware, and just be careful.

Okay, moving on. Jennifer, do we have anybody from the public tonight in the meeting?

Jennifer:

No, no members are present.

Naomi:

Okay, thank you. We'll move on to number three, the Lead and Copper Rule Revision by Sunny and Tom.

Prem:

Tom Barger.

Naomi:

Tom? Okay.

Prem:

Sunny, you want to kick it off, or you want to...

Sunny:

Yes. Thanks, Naomi. Good afternoon, everyone. I think I'll have Tom get into it, and maybe, if I need to step in and respond to any questions, both Tom and I will be more than happy to take any questions after we run through a short synopsis of the memo.

Hey, Tom.

Tom:

All right, Sunny, thanks so much.

Good afternoon. As Sunny mentioned, I want to just do a quick overview of what we've been working on here recently with the revisions of the Lead and Copper Rule, specifically, looking at the service line inventory development program.

Sunny, if I'm going through this and there's any particular points you want to elaborate on, please, chime right in.

Just as a reminder for everybody, we are working with CDM Smith as our primary consultant, and because we'll be talking about the vacuum excavation program as part of the service line development, I want to just remind folks, again, that McVac Environmental is the subcontractor doing the majority of that work. And as many of you are probably aware, McVac is a New Haven-based contractor.

So, I want to say, overall, the vacuum excavation program as part of the development is going very, very well. It's yielding a lot of good, valuable information toward the development of our inventory, and that's very, very important, as we're trying to satisfy this regulatory requirement.

So, we've been at this now for a number of months, and we've completed many towns. We're primarily finished in East Haven, Milford, New Haven, Hamden, Ansonia, Woodbridge. We're wrapping things up in a number of other towns and we're going to be initiating work in Branford and North Branford very shortly.

We've done about 2,500 to 3,000 excavations at this point across the district. We're getting, again, a lot of good information there. CDM is confident that the data that we're gathering is meeting their internal standards in terms of accuracy and completeness.

Once a lot more of this information is gathered, as we really start to approach the end of the project, they're upping their interest and evaluation in a, call it a machine learning-type of environment and gathering a lot of the predictive analysis that's going to really help us to fill in a lot of the blanks on, especially some of these unknown service line materials that we don't have a lot of information on as a result of the fact that they're on the customer side of the service, as opposed to the utility control side.

In addition to gathering this information, we feel it's important to share with customers and provide them with a little bit of reassurance if we, in fact, identify lead or galvanized iron. A lot of the communications that are required of us to consumers are very specific language from the Environmental Protection Agency.

Some of this language is deemed by some to be somewhat alarmist, and unfortunately, we don't have the opportunity to temper any of that language. What we want to be able to do is provide some reassurance to customers that if, in fact, we identified lead or galvanized iron in the system, because of our existing corrosion control program, they're not being exposed to lead on a daily basis as a result of drinking water.

So, we've been offering sampling to those customers. We've had about a 20% rate of return. In other words, we've got about 55 sets of samples in from customers. Each set of samples is two individual samples, so 110 samples. We've only identified lead in one of them. And in that sample, it was well below the established action level. So, no concern there. So we're providing all that feedback to our consumers, and we haven't had any follow-up concerns or dialogue.

So, that's been great news. We've been utilizing different groups of people, and specifically the Avante Consulting Group, through their accelerator program. We've been involved in the accelerator program

from the EPA since its inception. We've been using Avante on a limited scale to provide us some door-to-door canvassing, some internal inspection that has all run very well. Got a lot of good information from them.

They'll be reaching the end of their contract at the end of the calendar year with the EPA. If, in fact, it becomes renewed going into 2025, there is the possibility that we'll use them again in the future, just dependent upon their contract.

We've been continuing to use in-house staff where applicable, to gather information on a day-to-day basis. Whether that's the metering staff, field service, cross connection construction. During normal day-to-day activities of those particular groups of folks, we're gathering service line information through cross-training with the CDM software. We're entering data in a real-time fashion, so we're able to gather and utilize that data as we collect it in building this inventory. That's all been very successful.

We've reached out to other large customers, municipalities, Yale University, Yale New Haven Health, to be able to expedite this within their large property holdings as well. So, that continues.

Communications has been consistent, and focused. I know Kevin Watsey and his group have done a great job with that across multimedia, addressing customer inquiries and concerns as they're raised. But I think we've been doing a very good proactive job in that.

Rochelle and her team continued to chase down every penny that's available to us through the BIL funding mechanisms at the federal level, and in conversations with our partners at the Connecticut Department of Public Health, and making those monies available.

We'll continue to work this schedule. We have about one month before our initial submittal of the inventory to our regulator. We're in good shape for that. We'll be able to utilize a lot of the information that we've gathered thus far in the completion of that submittal. But then, the progress will continue. We'll continue to further identify unknowns. We'll reach out to customers. In the not-too-distant future, we'll be starting phase two, which is the replacement phase. We will be focusing on getting some of these required elements out of our distribution system.

I didn't mention earlier, but in those 2,500 to 3,000 vacuum excavations we've completed, we have identified exactly four lead service lines. So, that's great. That's great news. You can count on one hand the number of lead lines we've identified in almost 3,000 excavations. So, I think that's encouraging for all of us. Not just from an economic perspective, but from an outreach and consumer affairs perspective, that's good news to share.

That's all I had, Sunny. Unless you wanted to reiterate anything, or really, focus on such items that the committee may be interested in.

Sunny:

I think you touched upon all the salient points, Tom. Thanks. And we'll open it up for any questions if the committee has any questions.

Rich:

So, I had a question. When we do find lead in those four cases, do we reach back to determine where the lead's coming from? Is it coming from the pipe from solder, from some other place, and do we partner with the homeowner to... And maybe, you address this and I didn't catch it, but to remediate that? We recognize lead, what do we do when we do recognize lead?

Tom:

So, once the lead is recognized, what we're doing is we're dropping off those sample bottles and encouraging the consumers to grab those samples. In doing so, we're collecting both the first liter and the fifth liter. That's the sampling protocol that's going to be required of us.

Once this regulation takes effect, it's giving us the opportunity not only to work the wrinkles out of this sampling protocol, which is new to us, this is a new protocol. But it's also providing us meaningful information around our existing corrosion control program.

So, the first liter is going to be evaluating that solder. So, we're going to be looking specifically at the domestic plumbing inside the house with that sample. The purpose of the fifth liter is to get a sample directly from the service line itself. So, if there's going to be a lead line out there, if there's going to be a galvanized line out there, it's giving us the opportunity to look at that aliquot of the chemistry as well. So, we're doing both of those.

Rich:

Is it the first liter, because that water has sat for some time, I guess, in the pipes in the house, and so, that lead will seep in at that point, where the fifth liter, we know it's going to be coming from the main, and we know, therefore, that that's back at the source. Is that kind of the reasoning behind first and fifth?

Tom:

Yes. Roughly speaking, yeah. I mean, you know, because we have to take all samples after a minimum of a six-hour inactivity period, so it's considered kind of a first draw. So, the first liter is looking at the brass bodied fixtures. It's looking at the solder within that first segment of plumbing, that one liter's worth of volume.

And then, the fifth liter is looking at a lead line or a great... I'll call it a greater source of lead potential in the service line itself, if it's, in fact, constructed of lead or it's a galvanized lined.

Rich:

Have we gone so far as the test first and fifth, and if so...

Tom:

Yes.

Rich:

... what happens at that point?

Tom:

Yeah. For the four sample lines that we have identified as lead, we've approached all four customers. Only one of them, unfortunately, has responded to our request for sampling. And we've made multiple attempts to try to solicit their input and their participation. For whatever reason, and your guess is as good as mine, they have not responded to that.

So, again, we've had about a 20% rate of return overall, and that's equals 55 homes that we've been able to sample. We turn that data right back around. It is going to be our intent to use, or to identify the lead lines or these galvanized lines as the priority for replacement in phase two going forward.

Rich:

So, when you talk about replacement, that's what you're talking about?

Tom:

Correct.

Rich:

Replacing the galvanized lines?

Tom:

Replacing the service lines themselves, right from the street line, from the main, all the way into the meter set.

Rich:

And when you first discover lead, you don't know whether it's in the line or in the internal plumbing. Is that right, or you know it's in the line because you're vacuuming out, you're opening up at the street?

Tom:

Well, we're doing that data gathering, right?

Rich:

Right.

Tom:

So, that data gathering is identifying the nature of the composition of the lines.

Rich:

Okay.

Tom:

And to a certain extent, we will have historic data from tap cards from a hundred years ago that would suggest there may be some lead here.

But, again, fortunately, thus far, the majority of those old cards that say, "Hey, you know what? There may be led here based on the notes taken a hundred years ago", we're finding that that's not the case. Subsequently, in the last a hundred years, somewhere in there, those lines have all been replaced.

Rich:

And just one last question...

Tom:

Sure.

Rich:

... because the whole process is fascinating. So, let's say that we do find in the first liter that there's lead seeping in somewhere from internally, is the customer required by law, or any other way required to correct it, and if so, are they also required to bear the burden of the cost?

Tom:

They're-

Rich:

Or [inaudible 00:15:26] that?

Tom:

Yes. They're strongly encouraged to identify where the source of the lead is. It gets a little gray in terms of, you know, with the responsibility of the utility. I know that the leadership team has indicated, that if we find a lead between the curb valve and the meter, which is, historically, the responsibility of the homeowner-

Prem:

Hey, Tom...

Tom:

Yes?

Prem:

Hey, Tom, I'm not sure... Rochelle, if you're getting an executive session for the level of details that are going in, or is it okay, because we are talking about some decision that have been made, leadership team. So, I'm not sure, any suggestions here, Rochelle, before we go into answering that question?

Rich:

We can leave it at that.

Rochelle:

Yes, I think if Tom talks generally, it's okay. If we get into a lot of details, we should probably go into executive session.

Prem:

Okay. I just want... Yes.

Tom:

Yes, just keep an ear, I guess, on what I'm saying, and stop me if you need to stop me. But I think it's the intention of the utility to make sure that lead is removed from our system where it is identified.

I think where it starts to get a little bit more difficult is, when you start to get into domestic plumbing components and whose responsibility those are. But what we try to do is, even historically, if we come up with a high value for lead, what we'll do is go back in, discuss with the homeowner the possibility, we re-sample from multiple fixtures at that point to identify whether it's something that's pervasive in the house, or whether it seems to be isolated to a particular fixture or room.

And then, we can start to... In that fashion, work backwards and try to identify a source, and then, address it accordingly.

Rich:

Thank you.

Prem:

Thank you, Tom.

Tom:

You're welcome.

Stephen:

Tom, this is Steve. Yeah, I have a little confusion, too, as to what's being done. When you say in the sampling program, you've only found four lead positives, does that mean, if it's negative, that there's no lead lines?

Tom:

Before that, we found, Steve, as a result of the vacuum excavation process itself, where we're putting eyes on the service itself.

Stephen:

Okay.

Tom:

And out of that, we've identified, visually, right, four lead lines.

Stephen:

Okay.

Tom:

The analytical testing we're doing through the laboratory, that 110 samples that we've evaluated through the lab here at Sargent Drive, only one of those samples has had detectable lead concentration, and that concentration is below the action level of concern.

Stephen:

Did that come from one of those lead lines that you identified?

Tom:

It did not.

Rich:

That's a good question, yeah.

Stephen:

Yes. Okay. And-

Rich:

So, lead didn't necessarily leached?

Tom:

Correct. Well, that speaks to the corrosion control overall.

Rich:

Okay.

Stephen:

Tom, you probably addressed this in the past, and I don't know if this is possible without executive session. Can you just give me a ballpark figure of what you anticipate this program's going to cost, and what we might've been able to get from different sources to offset it?

Tom:

I'm just going to say, Steve, that I don't know the answer to that, because I believe those cost estimates are in flux. I think that these are very much still estimates in the sense that we don't have our inventory developed yet.

Stephen:

Yeah. You don't know anything, too.

Tom:

So, we don't know how many of these and how many of those... Right.

Naomi:



Yes. Let me speak to that just generally. We had included a prior estimate in all our tenure models, and even in the five-year capital plans. We are updating it, our estimates based on what we're finding, and we're going to incorporate our new estimate in the tenure model.

It'll still be an estimate, but it'll incorporate some of the findings that Tom was talking about.

Stephen:

Okay. I mean, can you just give a ballpark figure of what we spent so far on this program? Is that possible?

Naomi:

What we spent so far is relatively minimal, because the portion that like qualifies is still pretty low at this point. You will see though at the upcoming RPB meeting, there's going to be a resolution that we're going to put forward for the first tranche of DWSRF financing, and that, I'll share.

So, we're going to ask for 8.5 million, of which we're going to get a 75% up to 5 million grant. So, that's for the planning portion. A lot of that is going to be grant funded.

Stephen:

But for the actual testing, we've used staff, we've used other... We've had... Well, consultants, I guess, would be in the planning, mostly, right? But-

Naomi:

The main consultant is in the planning, and we'll get DWSRF for that. We followed the process, so that their agreement will qualify.

Stephen:

Okay. Thank you.

Tom:

Are there any other questions? Okay.

Rich:

Thank you, Tom.

Tom:

All right, you're welcome. Good afternoon, everyone.

Stephen:

Thanks, Tom.

Sunny:

Thanks, Tom.

Stephen:

Thank you.

Rich:

Thank you, Tom.

Sunny:

Thanks, Tom.

Naomi:

Okay. Next on the agenda is the approval of August minutes. Can I get a motion, please?

Stephen:

So moved.

Naomi:

Can I get a second?

Rich:

Second.

Naomi:

Thank you, Rick. And thank you, Steve. It has been moved by Steve and second by Rick.

Rich:

Rich.

Naomi:

Rich. I'm sorry. Rich? Sure.

Stephen:

Rich.

Rich:

You can call me anything you want.

Naomi:

Okay. It has been moved and second. Are you ready for the motion?

All those that are in favor, please, say aye.

Committee members:

Aye.

Naomi:

Those that are opposed have the same right. Any abstentions? Hearing none, it's a vote, and I declare it. Okay. Moving right along, Jeff, the approval of your... Oh, I'm sorry, report of the OCA.

Jeff:

Yes. Good afternoon.

Naomi:

Good afternoon.

Jeff:

I'm currently working on my memorandum to the RPB concerning the issuance test rate application that the RPB has a hearing on next Thursday. Right, next Thursday? Yeah. So, I need to get that out this week.

Last month, I spent a very significant amount of time on the application for approval of the Aquarion piece that you're well aware of. I think I spent more time last month than I have in some years on water authority work.

Really, what it came down to for me was, once I got the application... I mean, I knew the application was coming by the beginning of July, and I had reached out to a couple of consulting firms that I had used on a valuation front. Told them what, generically, I'd be looking for for a scope of services and the timeframe that they would have to work on it.

And between the time and the prices they were quoting me, which were somewhere between 50 and \$75,000 for outside services, I decided I would just do it myself. So, I spent a significant amount of time in August on it.

And right now, like I said, the only thing I've got going on is the issuance test rate application, which, I've reviewed, and the authority will get me their interrogatory responses this week, and I'll...

Naomi:

Yes.

Jeff:

... get my memo submitted Thursday or Friday.

Naomi:

That's it?

Jeff:

That's it. That's it. Yep. Thanks.

Naomi:

Okay. Thank you. Could I get approval of the OCA's invoice from August?

Rich:

So moved.

Stephen:

Motion to move the invoices submitted.

Naomi:

Okay. It has been moved, and second. Are you ready for the question? All those that are in favor, let it be shown... just say aye or whatever. Those that are-

Committee members:

Aye.

Naomi:

Those that are opposed have the same right. Seeing and hearing none... Oh, any abstentions? Sorry.

Okay. It's a vote, or it's a motion. Okay. The next thing on the agenda for tonight is any new business.

Stephen:

Naomi, did I hear you say you gave Prem a list of things?

Naomi:

Yes. Oh, yes, that's something... Yes. Different topics that we could bring to the meeting. And if anybody else has anything, please, share it with me or share it directly with Prem.

Prem:

Thank you. Thank you, everyone. Thank you, Naomi.

Naomi:

Okay. So, our next meeting is going to be on Monday, October the 21st at 5:30 PM. Anybody have anything else?

Rich:

Motion to adjourn.

Stephen:

Second.

Naomi:

Consumer Affairs Committee  
Representative Policy Board  
September 16, 2024

Okay, everybody. Good night. And thank you very much for coming to the meeting this evening.