

Representative Policy Board
Land Use Committee
South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, CT 06511

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AGENDA

Regular Meeting of Wednesday, March 13, 2024 at 5:30 p.m.

1. Safety Moment
2. Approval of Minutes
 - a. February 14, 2024 meeting
 - b. February 28, 2024 special joint meeting
3. 2023 Deer Hunt Update: Nicole Smith
4. Updates on land and RWA properties, including invasive species update
5. Other land items
6. Upcoming Meetings:
 - a. Finance Committee regular meeting – Monday, April 8, 2024 (FY 2025 Budget Review – All *RPB members are invited to attend*)
 - b. Next regular meeting - Wednesday, April 10, 2024 at 5:30 p.m.
 - c. Joint meeting of Consumer Affairs and Land Use – Monday, April 15, 2024 at 5:30 p.m. (FY 2025 Budget Review – All *RPB members are invited to attend*)
7. Adjourn

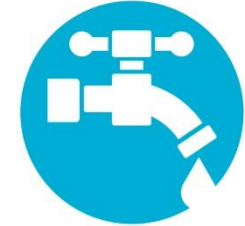
****Members of the public may attend the meeting in person or remotely by using the link at the top of the agenda. To view meeting documents, please visit <http://tinyurl.com/tvu5cy9m>. For questions, contact the board office at 203-401-2515 or by email at jslubowski@rwater.com**

SAFETY MOMENT

MARCH – OUR ENVIRONMENT

With environmental issues like water contamination, pollution, and climate change, it's natural to look for ways we can reverse the damage to our planet and keep our environment clean. Many of us think we're too small to make a difference, but when enough of us take action, we've seen the positive results we can create.

TapInto
Safety



Regional Water Authority

Steps you can take to keep our environment clean and safe:

1. Vote, sign petitions, contact your leaders
2. Refuse single-use items (i.e., straws, to-go cups, etc.)
3. Buy locally, eat more plants, and compost food waste
4. Plant trees and landscape with native plants
5. Green your transportation and travel habits
6. Conserve water
7. Reduce use of chemicals & properly dispose of waste



Service – Teamwork – Accountability – Respect – Safety

Safety is a core company value at the Regional Water Authority .
It is our goal to reduce workplace injuries to zero.

 Regional Water Authority

Representative Policy Board
Land Use Committee
South Central Connecticut Regional Water District
February 14, 2024

Minutes

The regular meeting of the Land Use Committee (“Committee”) of the Representative Policy Board (“RPB”) of the South Central Connecticut Regional Water District (“RWA”) took place on Wednesday, February 14, 2024 at the Lake Whitney Water Treatment Plant, 900 Whitney Avenue, Hamden, Connecticut. Chair Betkoski presided.

Committee Members Present: P. Betkoski, C. Havrda, G. Malloy, J. Oslander and J. Mowat Young

Committee Members Absent: P. DeSantis, B. Eitzer, M. Horbal, and M. Levine

Representative Policy Board: R. Harvey and N. Campbell

RWA: C. LaMarr

Management: S. Lakshminarayanan, J. Hill, and J. Triana

Chair Betkoski called the meeting to order at 5:30 p.m. He reviewed the Safety Moment distributed to members.

On motion made by Mr. Malloy, and seconded by Mr. Oslander, the Committee voted to approve the minutes of its January 10, 2024 regular meeting.

Mr. Hill, the RWA’s General Manager and Head of Operations, led a walkthrough of the Lake Whitney Water Treatment Plant. Committee members viewed various areas and held a discussion regarding the water purification process.

Update on *The Land We Need for the Water We Use Program* – Mr. Triana, the RWA’s Real Estate Manager, reported:

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
January 31	98%	90%	77%	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
January 2024	5.95	4.89	3.60
Fiscal YTD (6/1/23 – 1/31/24)	43.82	28.75	30.80

Land We Need for the Water We Use Program (Dispositions/Acquisitions)

- Branford – Acquired 3.51 acres off o Cherry Hill Rd. as part of P&Z open space requirement from developer.
- Cheshire – Corresponded with property owner of 50+/- acres.
- Cheshire – Corresponded with property owner of 20+/- acres.
- Cheshire – Corresponded with property owner of 16+/- acres.
- North Haven – Corresponded with property owner of 15+/- acres.
- Bethany – Corresponded with property owner of 60+/- acres.

- Hamden – Corresponded with property owner of 10+/- acres.
- Cheshire – Town of Cheshire/former Ricci property – Contacted DEEP and town staff about the status of the OSHA grant.
- North Branford, Beech St. and Pumps La. properties (NB 4) – Corresponded with land trust staff with questions they had about the property and survey.
- Seymour, Squantuck Rd. (SE 5) – Attempted to get town’s plans for the property in order to prepare the disposition application.

Rental houses:

- Hamden, 233 Skiff St. (HA 9A) – Murtha filed with the superior court to accept the town’s figure.
- Woodbridge, 1029 Johnson Rd. – Owners stated they were talking to another party about selling the property.

Forestry Update

- Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) – 75% complete.
- Hamden - Overstory removal and Tornado Salvage, (HA 36) – The harvest was halted in early June, and the logger pulled his equipment off the property on June 13th. It is uncertain at this point whether the buyer will continue with the salvage operation even if a market is found - 15% complete.
- Killingworth - N. Chestnut Hill Patch Cuts, (KI 6) – 100% complete. Equipment removed, but some firewood logs still at the landing.
- Guilford - Menunketuc High-Grade Rehabilitation Cut and Conifer Release (GU12/12A) – **Safety meeting held.**
 - Received letter from USFS saying we received the LSR grant.
 - Conducted LSR grant planning and administrative duties related to steamweeder, intern hiring, implementation activities, and staffing.
 - Held a meeting with maple tapers, Bromage and Juniver, to finalize the transfer of the portion of the Juniver’s sugar bush north of Rose’s Brook to Bromage. Approximately 350 taps changed hands.

Recreation

- New Year’s Day walk at Rt. 42 in Bethany had 35 people.
- Programs at the Eli Whitney Museum had at least 18 people.
- Submitted annual report to DPH.
- Renewal of trails permit for Pine Hill submitted to DPH.

	January		December	
	2024	2023	2023	2022
Permit Holders	4,743	4,847	4,742	4,851

Special Activity Permits

- Branford Land Trust (Tom Cleveland) - Tracking class - Lake Saltonstall woods - 1/27/24 (Rain Date: 1/28/2024) & 2/10/2024 (Rain Date: 2/11/2024).
- Women of Forestry and Arboriculture (Nicole Smith) – tree and shrub id walk an quarterly meeting of the group – Lake Gaillard - 5/4/24 (Rain Date: 5/5/24) or 5/18/24 (Rain Date: 5/19/24).

- CT Agricultural Experiment Station (Dr. Jeff Ward, et al) - General forestry and wildlife research, tick/Lyme Disease studies - Lake Gaillard, North Madison, Prospect, Seymour, Branford, Bethany (1/24/2024-1/24/2025).
- CT Dept. of Energy & Envir. Protection Wildlife Biologist (Dr. Devaughn Fraser) - acoustic monitoring of bats to determine species occupancy of hibernacula and species presence/bat activity in Fall, Spring, and Summer to help inform tree management activities, Lake Gaillard (1/29/2024-1/29/2025)
- New Haven Bird Club (Patrick T. Leahy) – Maintain and monitor bluebird nesting boxes on 7 sites – Downes Road, Bethany, adjacent to Lake Bethany property and field below Lake Dawson dam, Woodbridge, farm field on Sperry Road and Lake Chamberlain below the dam, Lake Watrous and other properties – (1/31/2024-12/31/2024).

Other items

- Encroachments/agreements –
 - Agricultural agreements – Responded to inquiry about hosting goats on our property.
 - West Haven, Shingle Hill tanks (WH 7) – Sent additional comments on the latest draft agreement to Yale’s consultant.
 - North Branford, 215 Forest Rd. (NB 17) – Executed license agreement with new owners.
 - Woodbridge, Baldwin Rd. (WO 15) – Executed license agreement with new owners.
 - Branford, 20 Autumn Ridge Rd. (BR 10A) – Executed license agreement with owner who were encroaching on new parcel we acquired.
 - Hamden, Lake Whitney access (HA 4) – Sent comments on the license agreement back to UI for their review.
- Invasive plants – Treated or documented invasive plant populations in North Branford, Branford, Woodbridge, and Bethany.

Invasive Species Documented/ Mapped (ac)	75 acres
Invasive Species Treated (ac/MH)	1.1 acres

- Woodbridge, Fox Den Way (WO 15) – Met town staff at the site and found privately-owned drain for the pond was clogged. Unclogged and town staff was going to talk to owner about maintaining the system.
- Deer hunt - Deer hunt surveys were returned. Annual report was sent to DPH. Based on the responses from the surveys , the total effort spent during the hunt was 300 days scouting, 1100 days spent hunting.
- Seymour, Haddad Rd. – Corresponded with Seymour staff about continued ponding issues at Haddad Rd.
- New Haven, Yale Golf Course – Met with golf course staff to discuss drainage changes occurring during their renovations.
- East Haven, Rock Rd. SNET easement (EH 2)– Corresponded again with Frontier about their abandoned equipment at Rock Rd.
- Boundaries – Checked and remarked boundaries in Madison, North Branford, Branford, Orange and Woodbridge.
- Watermain easement encroachments – Discussed composing a letter for such situations with Murtha’s assistance.

Representative Policy Board
Land Use Committee
February 14, 2024

Chair Betkoski reminded members of the special joint meeting with the Consumer Affairs Committee on Wednesday, February 28, 2024 at 5 pm to receive a Commercial Business update from management.

The next regular meeting is on Wednesday, March 13, 2024 at 5:30 p.m.

At 6:30 p.m., on motion made by Mr. Malloy, and seconded by Mr. Oslander, the Committee voted to adjourn the meeting.

Peter Betkoski, Chairman

UNAPPROVED

Representative Policy Board
South Central Connecticut Regional Water District
Joint Special Meeting
of the
Consumer Affairs Committee and Land Use Committee

February 28, 2024

Minutes

A special joint meeting of the Consumer Affairs Committee (“CAC”) and the Land Use Committee (“LUC”), (Collectively “Committee”), of the Representative Policy Board (“RPB”) of the South Central Connecticut Regional Water District (“RWA”) took place on Wednesday, February 28, 2024, at 90 Sargent Drive, New Haven, Connecticut and via remote access. Chair Levine presided.

CAC Members present: M. Levine (R), N. Campbell, and A. Rescigno (R)

CAC Members absent: S. Mongillo, F. Pepe, and R. Smith

LUC Members present: P. Betkoski(R), C. Havrda, B. Eitzer (R), M. Horbal (R), M. Levine (R), G. Malloy, J. Oslander (R), and J. Mowat Young (R)

LUC Members absent: P. DeSantis

RPB: R. Harvey

RWA: L. Bingaman, R. Kowalski, A. Cosma, Sunny Lakshminarayanan, and P. Singh (R)

Office of Consumer Affairs: Attorney Donofrio (“OCA”) (R)

RPB Staff: J. Slubowski

Chair Levine called the meeting to order at 5:00 p.m. He reviewed the Safety Moment distributed to members.

Chair Levine offered the opportunity for members of the public to comment. There were no members of the public present at the meeting.

At 5:01 p.m., on motion made by Mr. Malloy, and seconded by Mr. Betkoski, the Committee voted to convene in executive session to receive a commercial business update pursuant to C.G.S. Section 1-200(6)(E) to discuss matters covered by Section 1-210(b)(5)(B), pertaining to commercial and financial information. Present in executive session were Committee members, Messrs. Harvey, Bingaman, Cosma, Lakshminarayanan, Singh and Atty. Donofrio, and Mss. Kowalski and Slubowski.

At 5:05 p.m., Mr. Harvey entered the meeting.

At 5:19 p.m., Ms. Campbell entered the meeting.

At 5:50 p.m., the Committee came out of executive session. No votes were taken in, or as a result of, executive session.

At 5:50 p.m., the meeting adjourned.

Mark Levine, CAC Chairman

Peter Betkoski, LUC Chairman

(R) = Attended remotely.

UNAPPROVED

**Presentation to the Regional Water Authority
Land Use Committee**

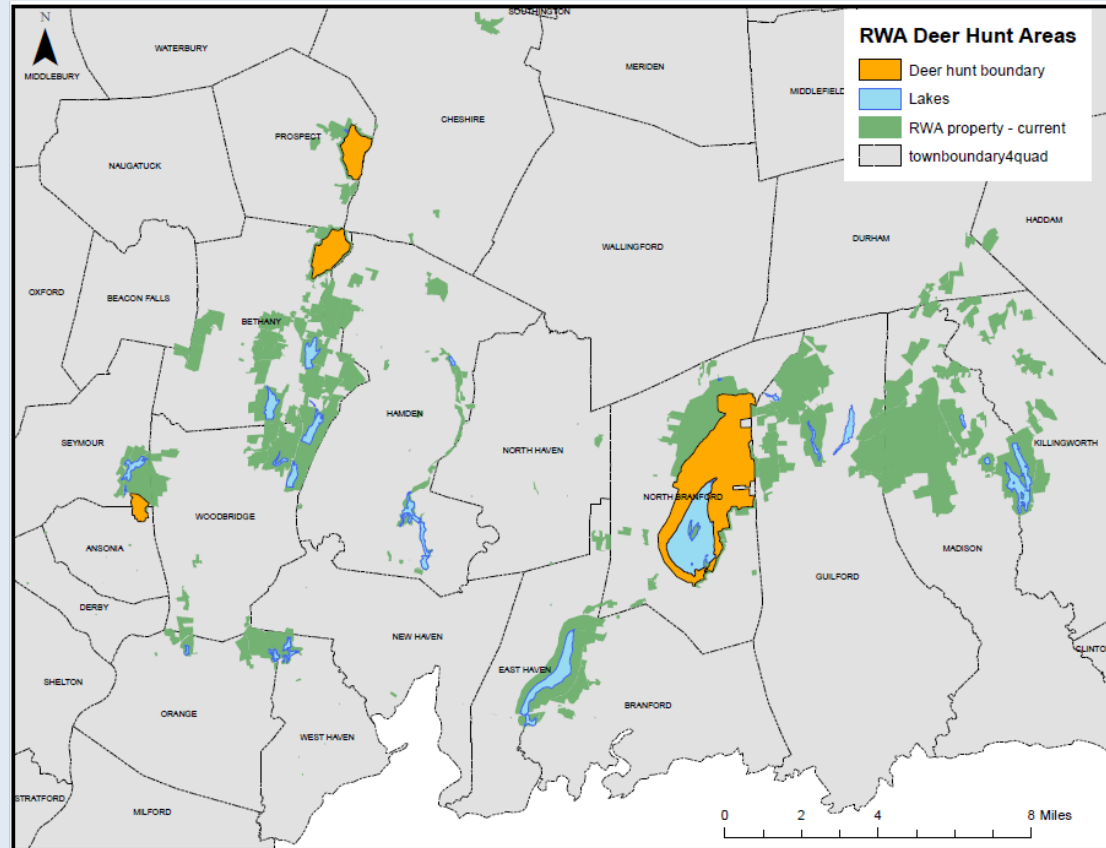
**Review & Summary
of the
2023 Controlled Archery Hunt**



Nicole Smith
Natural Resources Analyst

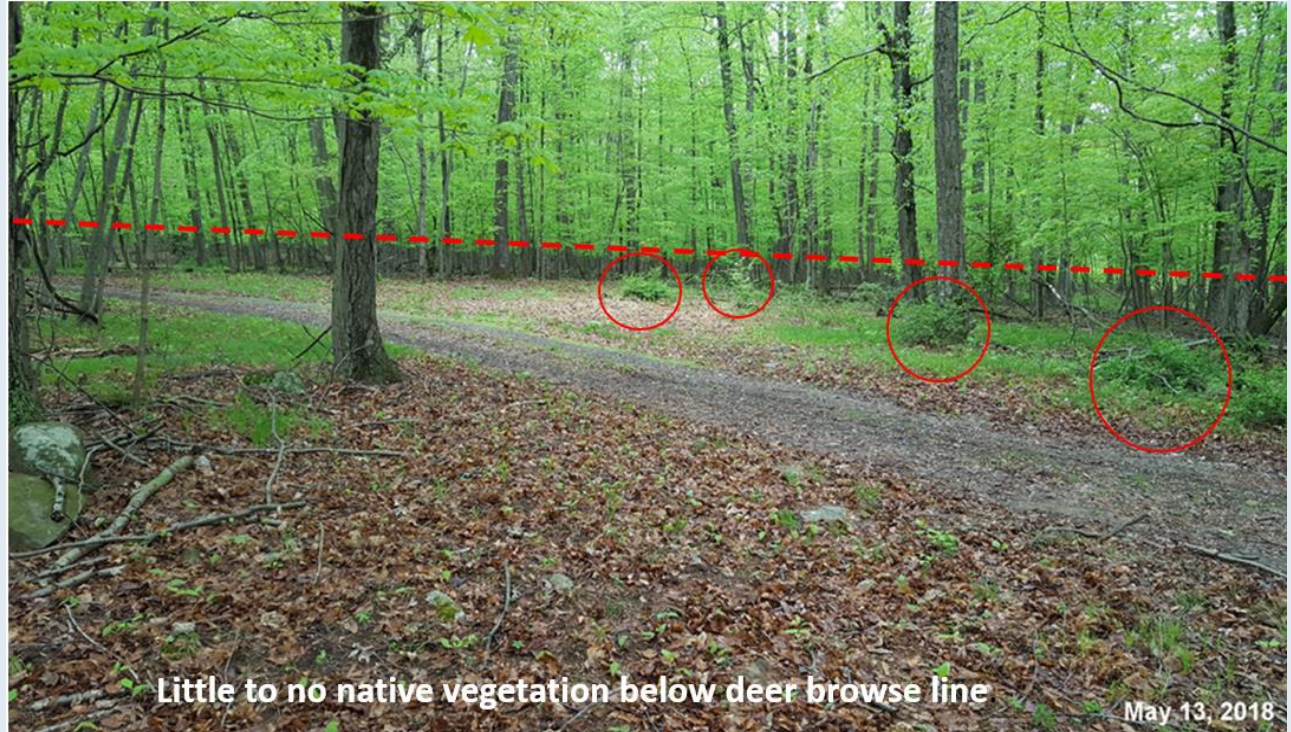
Deer Hunting on 4,327 Acres

Property	Acres	Start
Lake Gaillard (NB)	3233	2009
Ansonia/Seymour	154	2014
Bethany	520	2015
Prospect	420	2015



Reducing Deer Density

- Enhances forest regeneration
- Controls erosion and locks up nutrients that can fuel algal blooms in reservoirs



Hunting Season Overview 2023

- 360 applications mailed
- 164 participants after returned applications, attending/passing proficiency test and safety meeting attendance
 - North Branford - 114; Bethany - 23; Prospect - 19 and Ansonia/Seymour – 8
- 10 days of scouting 10/7/2023 to 10/16/2023
- 30 Days of Hunting During 10/27/2023 – 11/30/2023, no Sunday hunting
- **54 deer harvested: 33 bucks, 21 does**
- Surveys due, Wednesday January 31, 2024
- Two deer check stations (Lake Gaillard & Bethany) staffed by 53 volunteers.
- No accidents or injuries

[illegible]

Hunting Season Estimated Effort Brief Summary 2023

Surveys due Wednesday, January 31, 2023

Results - 87% return rate of surveys

Property	Hunters	Returned Surveys	Total Days Scouting	Avg. Days Scouting	Total Days Hunting	Avg. Days Hunting	Total Hours Hunting	Avg. hours hunting/day
North Bran	114	100	226.5	2.27	806	8.14	4205	4.93
Bethany	23	18	23	1.5	59	3.67	250.5	3.35
Prospect	19	18	40	2.22	182	10.11	784.5	4.41
Ansonia	8	7	11	1.38	53	6.63	263	4.94
Total	164	143	300.5	XXXX	1,100	XXXX	5,503	XXXX



- RWA 2023 Deer Hunt
- Permits and Harvest Amounts

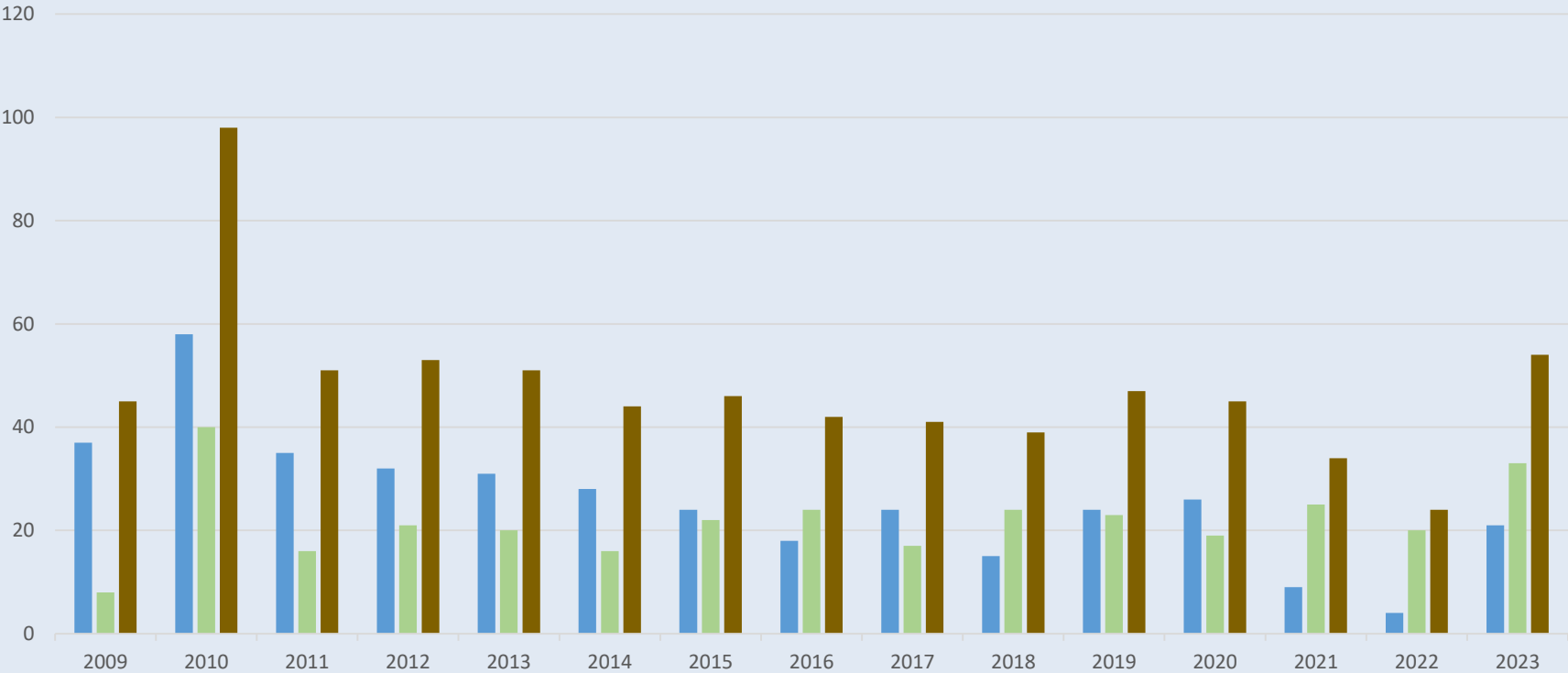
2023 Deer Harvest by Area				
Location	Permits	Doe	Buck	Total
North Branford	114	15	24	39
Prospect	19	5	2	7
Bethany	23	1	7	8
Seymour/Ansonia	8	0	0	0
Totals	164	21	33	54

2023 Harvest Totals

2023 Deer Harvest by Area				
Location	Permits	Doe	Buck	Total
North Branford	114	15	24	39
Prospect	23	5	2	7
Bethany	19	1	7	8
Seymour/Ansonia	8	0	0	0
Totals	164	21	33	54

Total Deer by Sex Harvested Past 6 Hunts				
Year	Permits	Doe	Buck	Total
2023	164	21	33	54
2022	182	4	20	24
2021	205	9	25	34
2020	180	26	19	45
2019	168	24	23	47
2018	172	15	24	39

Total
Deer Harvested Since 2009

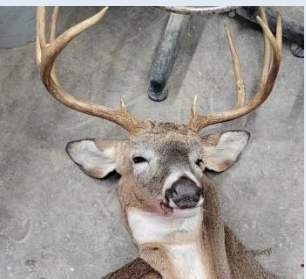


■ Doe ■ Bucks ■ Total

Year	Doe	Bucks	Total
2009	37	8	45
2010	58	40	98
2011	35	16	51
2012	32	21	53
2013	31	20	51
2014	28	16	44
2015	24	22	46
2016	18	24	42
2017	24	17	41
2018	15	24	39
2019	24	23	47
2020	26	19	45
2021	9	25	34
2022	4	20	24
2023	21	33	54

Final Thoughts

- We have reached the 15th year mark for collecting and analyzing data
- Hunt Impacts
 - More localized deer sightings overall in Bethany, Prospect, and Gaillard this year
 - Many more deer observed this season in 3 locations but harder to take ethical shot with bows – deer seem more cautious
 - Increased invasive species, (i.e. barberry and multiflora rose) make some areas inaccessible to hunters
 - Hunters at Ansonia/Seymour continue to report seeing almost no deer
- RWA Forestry and CT DEEP each have established research plots.
 - RWA Forester is comparing data collected. Analysis of results was done in March 2020.
- Annual DPH reporting requirement.
 - DPH Recreational Activity Permits has been renewed and expires Dec. 2, 2031.
 - Report on hunter effort and amount of deer harvested sent to DPH on February 1, 2024.
- Hunters are grateful for the opportunity. Appreciate our efforts toward conservation and stewardship of the land. No negative publicity this season.



Questions?



March 13, 2024
Land Use Committee Meeting

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
February 29	95%	92%	82%	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
February 2024	1.60	0.88	3.31
Fiscal YTD (6/1/23 – 2/29/24)	45.42	29.63	34.11

Land We Need for the Water We Use Program (Dispositions/Acquisitions)

- Cheshire, Bis/Bowman property – Signed P&SA for 78+/- acres.
- Cheshire – Corresponded with property owner of 20+/- acres.
- Cheshire – Corresponded with property owner of 16+/- acres.
- Bethany – Corresponded with property owner of 60+/- acres.
- Bethany – Corresponded with property owner of 35+/- acres.
- Hamden – Corresponded with property owner of 10+/- acres.
- North Branford, Beech St. and Poms La. properties (NB 4) – Corresponded with land trust staff about the purchase.
- Seymour, Squantuck Rd. (SE 5) – Continued the attempts to get town's plans for the property in order to prepare the disposition application.

Rental houses:

- Nothing to report.

Forestry Update

- Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) – 75% complete.
- Hamden - Overstory removal and Tornado Salvage, (HA 36) – The harvest was halted in early June, and the logger pulled his equipment off the property on June 13th. It is uncertain at this point whether the buyer will continue with the salvage operation even if a market is found - 15% complete.
- Killingworth - N. Chestnut Hill Patch Cuts, (KI 6) – 100% complete. Equipment removed, but some firewood logs still at the landing.
- Guilford - Menunketuc High-Grade Rehabilitation Cut and Conifer Release (GU12/12A) – **20% complete.**
 - Conducted LSR grant planning and administrative duties related to revised budget for steam weeder, capital spending procedures, and award letter amendments.
 - Compiled and submitted US Department of Agriculture Land Value Survey report.
 - Sent out permit renewal packets for woodcutters and maple tappers.
 - Arranged delivery of partial resistant chestnuts from The American Chestnut Foundation.

Recreation

- Invasive plants walk at Saltonstall had 12 people.
- Owl walk at Chamberlain had over 50 people.
- Maple sugaring tour had 34 people.
- Recruited new staff for 2024 fishing season.

- Pine Hill permit was renewed by DPH.
- Permit renewals were submitted to DPH for activities at Lake Saltonstall, Big Gulph, Hammonasset, Sugarloaf and Genesee.
- Customer Service Rep. attended meeting where pin pad usage for payment was discussed.

	February		January	
	2024	2023	2023	2022
Permit Holders	4,771	4,822	4,743	4,847

Special Activity Permits

- Yale University, School of the Environment (Mark S. Ashton) - Education/field trips for grad students, North end of Lake Gaillard – site classification and stand assessment exercise; North Madison off Rt. 79N Silvicultural systems demonstration area (2/9/2024 field trip to Lake Gaillard coordinates - 41.377670, -72.758137; 3/1/2024 field trip to North Madison – silvicultural systems demonstration area coordinates latitude and longitude are 41.393639; -72.650112.)
- Prospect Volunteer Fire Department, (Mr. Ryan Angelicola) – teach the members of the Fire Department how to correctly treat felling trees and working with chainsaw on log cutting, Tress Road Entrance, 14 Chatfield Drive, Prospect, (4/1/24 – 7/1/24)
- UConn, Dept of Ecology & Evolutionary Biology (Dr. Mark Urban) – Research on pond amphibians - Totoket mountain in Northford; ridge north of Lake Gaillard; 60 ponds distributed to the west and east of Big Gulph Brook (3/1/2024- 3/1/2025)
- CTDEEP (Ansel Aarrestad, Environmental Analyst II) - To monitor and assess the surface waters across CT as part of a probabilistic study. Install temperature logger, diatom community survey, fish community survey, macroinvertebrate community survey, swap temperature logger, remove temperature logger. Mill River (41.394847-72.892324) off of Riverside Drive, Hamden (3/20/2023-3/20/2024) Extension until November 30, 2024.

Other items

- Encroachments/agreements –
 - West Haven, Shingle Hill tanks (WH 7) – Answered questions from Yale about the draft agreement.
 - North Branford, 67 Woods Hill Rd. (NB 7) – Discovered tree house over the property line. Sent letter to abutters.
 - Orange, 821 Alling Rd. (OR 6) – Discovered items stored over the property line. Sent letter to abutters to remove materials.
 - Orange 835 Alling Rd. (OR 6) - Discovered items stored over the property line. Sent letter to abutters to remove materials.
 - Orange, 845 Alling Rd. (OR 6) – Discovered a lawn extended over the property line. Sent letter to abutters to stop mowing or enter into a license agreement. Abutters called and said they would enter a license agreement. Draft agreement mailed.
 - Orange, 849 Alling Rd. (OR 6) - Discovered items stored over the property line. Sent letter to abutters to remove materials.
 - Orange, 158 Ohman Rd. (OR 6) - Discovered items stored over the property line. Sent letter to abutters to remove materials.
 - Hamden, Lake Whitney access (HA 4) – Received updated draft agreement from UI to review.

- Invasive plants – Treated or documented invasive plant populations in Branford, East Haven, and North Branford. Issued PO for steam weeder as part of the LSR grant. Assisted Engineering with planning for vegetation removal over water mains at West River.

Invasive Species Documented/ Mapped (ac)	39 acres
Invasive Species Treated (ac/MH)	5.4 acres

- Hamden, Hamden Hall scoreboard – Notified by Environmental Planning staff that the school submitted a P&Z application for a new scoreboard.
- Hamden, Tennessee Gas Pipeline work – Forwarded notice from gas company about their planned work in the ROW east of Downs Rd. in Hamden.
- Boundaries – Checked and remarked boundaries in Madison, East Haven, North Branford, Branford, Hamden, West Haven, Orange and Woodbridge.
- Lake Whitney dam project – Replied to Engineering about access question off of Whitney Ave.
- Woodbridge, 1955 Litchfield Tpk. – Exchanged emails with others about the fate of the house, barn, and other buildings at this address.
- Genesee tunnel inspection – Corresponded with Engineering staff about their plans to inspect the tunnel east of Lake Menunketuc.
- New Haven, Greenwich Ave. easement – Assisted Operations staff with contacting UI about getting access to a property they own and we have an easement over.
- Woodbridge, DOT sediment basin property – Looked up information for Engineering about a property we conveyed to the state for a sediment basin in the 1970's.

Attachments

- February 8, 2024 - Grant helps fire departments safely remove foam containing toxic chemicals – WVIT
- February 1, 2024 - Connecticut Water To Build New Plant In Southbury – Patch.com
- February 13, 2024 - Environmentalists Warn of Harm to Waterways Pending Supreme Court Decision – CT Examiner
- February 26, 2024 - Poland Spring Faces Lawsuit Over Authenticity of Its 'Spring Water' in Connecticut – BNN website

Upcoming Agenda Items

April 2024 -

Grant helps fire departments safely remove foam containing toxic chemicals

By Jennifer Joas – WVIT - February 8, 2024

Fire departments across the state of Connecticut are having the toxic foam with the 'forever chemical' known as PFAS removed from their fire trucks.

Fire departments across the state of Connecticut are having the toxic foam with the 'forever chemical' known as PFAS removed from their fire trucks. The departments are doing it with the help of state grant money through the Department of Emergency Services and Public Protection.

"This project has been years in the making," said Jay Kelly, the fire equipment technician for the Bristol Fire Department. "We're moving forward and I'm glad this day is finally here."

Kelly brought the last of seven fire engines to Environmental Services in South Windsor for the removal process. The foam that the tank is stored in is built in to the fire trucks so the tank cannot be removed. The Environmental Services team removes the foam from the tank, triple rinses the tank and ships the PFAS foam to a disposal facility out of state.

Environmental Services has removed foam from fire engines for at least 40 fire departments across the state since July.

"We are going to get a safe product in the truck that our men and women in the fire service can use," said Kelly.

Fire departments then have state-approved options of products to use instead of the PFAS foam that are effective in fighting fires that range from fuel fires to lithium ion battery fires.

Connecticut Water To Build New Plant In Southbury

Rich Kirby, Patch Staff - Feb 1, 2024

SOUTHBURY, CT — Connecticut Water has announced construction of a new water treatment plant in Southbury will begin this month.

The aim of the plant is to expand filtration capabilities and improve drinking water quality for Heritage Village water system customers, according to a statement released on Thursday.

The facility will be built on an easement area at 464 Heritage Road between the Heritage Hotel and the Pomperaug Golf Course. The project is not anticipated to interrupt or disrupt current service operation in the Heritage Village water system while construction takes place, according to water company officials.

The Heritage Village water system is comprised of five groundwater wells capable of producing 2 million gallons per day to more than 5,400 customers, about half of which reside in the Heritage Village Master Association. The existing water treatment facility will continue operating during the construction project until all wells can be redirected through the new treatment facility.

Environmentalists Warn of Harm to Waterways Pending Supreme Court Decision

CT Examiner — Meghan Muldoon, 2.13.2024

The state's largest environmental group is sounding the alarm about the potential harm to Connecticut's waterways if the U.S. Supreme Court overturns or curtails a 40-year-old legal principle giving deference to federal agencies.

The regional nonprofit Save the Sound joined other environmental groups in filing an amicus brief in the case of *Loper Bright Enterprises v. Raimondo*, which was argued before the Supreme Court last month.

In *Loper Bright*, the court agreed to reexamine the Chevron doctrine, a 40-year-old Supreme Court principle under which courts defer to a federal agency's reasonable interpretation of an ambiguous statute that Congress has authorized the agency to administer.

The lawsuit, brought by commercial fishing groups, challenges a federal regulation that requires herring boat fishing operators to pay for third-party, private observers to conduct federally required compliance checks.

The fishing companies argue that the regulation is invalid because the statute doesn't explicitly state that the private businesses have to pay for monitors in this circumstance.

Applying the Chevron doctrine, the lower courts upheld the regulation, finding it a reasonable interpretation of the statute and, thus, entitled to deference. But the conservative-leaning Supreme Court appears poised to limit or overturn Chevron — an outcome that, according to Save the Sound's senior legal director Roger Reynolds, would have a significant impact on Connecticut's coastal waters. "It would really restrict the ability of the government to keep the Sound clean and protect critical fish populations," he said.

Reynolds underscored how the state waterways have benefitted from the federal Clean Water Act, which requires fishable and swimmable water that is safe for humans and aquatic life, and expressed concern that federal environmental agencies would become "paralyzed" without the deference afforded by Chevron.

"Federal law is the real backbone," he said. "That's what cleaned up Long Island Sound. The Naugatuck River would turn different colors. Our waters are substantially cleaner now. If agencies don't make that call, who does?"

The Chevron doctrine gets its name from *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, a case decided in 1984. Chevron deference is rooted in the recognition that agencies, not the courts, have the subject-matter expertise necessary to implement federal law.

But critics have blasted the courts' use of the Chevron doctrine as undemocratic in that it grants expansive power to unelected bureaucracies that are not directly accountable to voters. According to the Cato Institute, a right-leaning libertarian think tank, Congress passed 81 laws in 2021, compared to 3,257 regulations issued by the Biden administration with the full force of law during that same one-year period.

Advocates of overturning or limiting the Chevron doctrine point to the growth of the administrative state as evidence of the need to curb its reach. The Federal Register, which publishes federal agency rules and notices, has grown from 16,000 pages in 1950 to over 188,000 pages in 2021. According to the Competitive Enterprise Institute, a right-leaning libertarian think tank, those pages represent almost \$1.9 trillion in annual regulatory costs imposed on businesses and individuals by federal agencies. But Bill Lucey, Save the Sound's Long Island Soundkeeper, said the large commercial fisheries involved in the *Loper Bright* case can afford the cost of at-sea observers to gather data about Atlantic herring populations. "It's irritating to me that the boats had a problem paying for these monitors," he said.

He said good data from observers is critical to understanding and addressing the precipitous drop in Long Island Sound river herring, and he remains concerned that eliminating deference to environmental agencies could further harm Atlantic herring populations by "slowing down everything."

But Norm Bloom, owner of Copps Island Oysters in Norwalk, said he isn't concerned about the *Loper Bright* case affecting his shellfish farm because his industry is predominantly regulated by state and local agencies.

Connecticut's Bureau of Agriculture monitors his catch and, unlike the case before the Supreme Court, pays for the monitoring box he's required to keep on his boats. By guaranteeing the safe consumption and good health of Copps Island oysters, the state "provides a valuable service, without a doubt," he said.

Bloom said he supports the efforts by the federal government and regional nonprofits to protect coastal waters and, in turn, the sustainability of his oyster populations.

"We're big into it. We just want clean water and we do everything to keep it," he said. Bloom agreed that decades of federal oversight has improved water quality along Connecticut's coast. "The Sound is way cleaner than when I was a kid in the '70s," he said. "You didn't see past your ankles then." A decision in *Loper Bright* is expected by summer.

Poland Spring Faces Lawsuit Over Authenticity of Its 'Spring Water' in Connecticut

Saboor Bayat - 26 Feb 2024 – BNN website

In the heart of Connecticut, a legal battle brews that could ripple through the bottled water industry and challenge what we've come to accept at face value. At the center of this storm is **Poland Spring**, the nation's leading bottled water brand, and its parent company, **Nestle Waters North America**. The allegation? That consumers have been misled by claims of selling pure spring water, when in reality, the product might not spring from a spring at all.

The Crux of the Controversy

According to a class-action lawsuit, the essence of the dispute lies in whether Poland Spring water indeed meets the U.S. Food and Drug Administration's (FDA) definition of 'spring water'. The plaintiffs argue that the actual **Poland Spring** in Maine, supposedly the source of this bountiful product, ceased to be a spring nearly half a century ago. Despite these allegations, Nestle Waters North America stands firm, asserting that their product is 100% genuine spring water, thoroughly compliant with all pertinent regulations. This lawsuit unfolds as Nestle continues to expand its operations in Maine, echoing a history of legal challenges faced by bottled-water giants.

A Historical Perspective

This isn't the first time Nestle has found itself in hot water over its water. In 2003, the company settled a lawsuit by donating \$10 million to charity, without altering its water sourcing practices. The recurring legal skirmishes highlight a larger issue at play: the regulatory definitions of spring water and how bottled water companies navigate these guidelines. The lawsuit against Poland Spring brings to light questions regarding the authenticity of the springs and the water's journey from source to bottle. As the bottled water market continues to swell, outselling carbonated sodas for the first time, the scrutiny of these practices becomes increasingly pertinent.

Regulatory Oversight and Consumer Trust

Beyond the immediate legal implications for Poland Spring and Nestle Waters North America, this lawsuit raises broader concerns about the oversight of bottled water companies and the trust consumers place in them. Nestle, a global conglomerate, manages several water brands and maintains that Poland Spring water is sourced from multiple springs across Maine. However, the lawsuit disputes these claims, questioning the existence and quality of these sources. This legal challenge could prompt a reevaluation of how 'spring water' is defined and regulated, potentially influencing not just Poland Spring, but the entire bottled water industry. With the backdrop of Nestle's recent legal troubles in France over the treatment of its bottled mineral water, consumer trust hangs in the balance.

In the coming months, as this lawsuit unfolds, it will not only determine the fate of Poland Spring but also shine a spotlight on the practices of the bottled water industry at large. As consumers, our trust is predicated on the transparency and integrity of these companies. The outcome of this legal battle could very well reshape our perceptions and choices in the bottled water we drink.