

**Representative Policy Board  
Land Use Committee  
South Central Connecticut Regional Water District**

**Meet at: Lake Saltonstall Water Treatment Plant**

**\*\*1 Saltonstall Parkway, East Haven**

**AGENDA**

**Regular Meeting of Wednesday, July 8, 2020 at 5:30 p.m.**

1. Elect Committee Chairperson for 2020-2021
2. Safety Moment
3. Approval of Minutes – June 10, 2020 meeting
4. Special Topic: Furnace Pond Harvesting: W. Henley and J. Tracy
5. Updates on land and RWA properties, including invasive species update
6. Other land items
7. Next Regular Meeting: Wednesday, August 12, 2020 at 5:30 p.m.
8. Adjourn

**\*\*This meeting is being held outdoors. In order to comply with social distancing and stop the spread of COVID-19, the South Central Connecticut Regional Water Authority is requiring attendees to remain outdoors, keep a 6' distance and wear masks or face coverings. Driving together to the meeting is not encouraged.**

In the event of rain, the meeting will be held remotely. For information on attending the meeting, via remote access and to view meeting documents, please visit <https://www.rwater.com/about-us/our-boards/board-meetings-minutes?year=2020&category=1435&meettype=&page=>. For questions, contact the board office at [jslubowski@rwater.com](mailto:jslubowski@rwater.com) or call 203-401-2515.

IN THE EVENT OF RAIN, THE MEETING WILL BE HELD REMOTELY. BELOW IS THE INFORMATION TO ATTEND VIA CONFERENCE CALL. PLEASE CONTACT JENNIFER SLUBOWSKI AT THE BOARD OFFICE AT 203-401-2515 WITH QUESTIONS.

Topic: **RPB Land Use Committee Meeting**

Time: Jul 8, 2020 05:30 PM Eastern Time (US and Canada)

Join Meeting (*via conference call*)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 897 6822 4979

Password: 301818

Find your local number: <https://us02web.zoom.us/j/kcX7NdlgB>

# SAFETY MOMENT

## JULY – TIPS FOR PREVENTING POISON IVY:

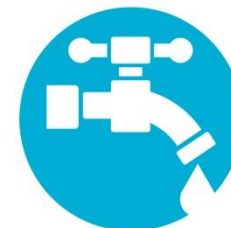
Before performing outdoor work where poison ivy may be present, do a thorough hazard assessment to identify if poison ivy is present, do not allow employees that are allergic to poison ivy to do the job. Don't use string trimmers to remove poison ivy. Employees that are allergic to poison ivy can be severely affected by poison ivy and should not be exposed.

### Here are some tips for avoiding getting poison ivy rashes:

- As soon as you suspect that you have been exposed to urushiol, the oil found in poison ivy leaves, wash thoroughly with lots of warm water and soap (hot water opens the pores, and may transiently increase exposure).
- If you don't have water, use rubbing alcohol.
- Don't use a washcloth, since this tends to spread the oil to other patches of skin.
- Once the oil has been removed, the rash from poison oak or poison ivy is not contagious. Even the oozing blisters are not contagious, although they look like they should be.
- As long as the oil is no longer present, scratching does not make the rash spread. Scratching does make the already intense itching even more unbearable and can also cause the rash to get infected.

The best way to prevent an outbreak of poison oak is to avoid any contact with the oil in the first place. Teach your employees to recognize the poisonous plants of your area, and remove the plants by mechanical means without personal exposure or use proper ppe. Use roundup herbicide to eliminate the plants.

**Tap**Into  
**Safety**



Regional Water Authority



Service – Teamwork – Accountability – Respect – Safety

 Regional Water Authority

**UNAPPROVED DRAFT**

**Representative Policy Board  
Land Use Committee  
South Central Connecticut Regional Water District  
Via Remote Access  
Minutes of June 10, 2020 Meeting**

A regular meeting of the Land Use Committee of the Representative Policy Board of the South Central Connecticut Regional Water District (“RWA”) took place on Wednesday, June 10, 2020 via remote access. Chair Levine presided.

Present: Committee Members: P. Betkoski, B. Eitzer, R. Harvey, M. Horbal, M. Levine, G. Malloy, J. Oslander and J. Mowat Young  
RPB: M. Ricozzi and P. DeSantis  
Authority: D. Borowy  
Management: T. Norris and J. Triana  
RPB Staff: J. Slubowski

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

On motion made by Mr. Malloy, seconded by Ms. Young, and unanimously carried the Committee approved the minutes of its May 13, 2020 meeting.

Mr. Triana, RWA’s Real Estate Manager, provided a recreation update, which included:

- Number of permit holders
- Permits from June 2016 to date
- Purchases and renewals
- Revenue

Discussion took place regarding increased surveillance on RWA owned properties, profits, recreation programs for inner city youth, social media and marketing.

At 5:52 p.m., Mr. Borowy entered the meeting.

On motion made by Mr. Harvey, seconded by Mr. Horbal, and unanimously carried, the application for the creation of a new trail on Authority property at Lake Gaillard in North Branford was deemed complete and is recommended to the Representative Policy Board as a Non-substantial Land Use Plan Amendment and does not require a public hearing.

On motion made by Mr. Harvey, seconded by Mr. Malloy, and unanimously carried, the application for the relocation of the Quinnipiac Trail on Authority property in Prospect was deemed complete and is recommended to the Representative Policy Board as a Non-substantial Land Use Plan Amendment and does not require a public hearing.

Update on *The Land We Need for the Water We Use Program* – J. Triana reported:

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
May 31, 2020	96	99	93	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
May 2020	1.73	6.46	3.93
Fiscal YTD (6/1/19 – 5/31/20)	47.74	63.26	46.58

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

- Cheshire - Corresponded with property owner of 40+/- acres.
- Branford - Corresponded with property owner of 35+/- acres.

DePodesta and Hendrickson properties, Hamden/Bethany – Compiled documents to execute for the Hendrickson property grant. FMA approved resolution to have Ted execute all documents related to the Hendrickson property.

Rental houses:

- Seymour, 59 Rimmon Rd. (SE 11) – Held two pre-bid meetings. Had oil company in to check the furnace.
- Hamden, 95 Ives St. (HA 13) and 233 Skiff St. (HA 9A) – Zone change application for 233 Skiff St. was submitted to P&Z. Answered email from DPH staff about the application. Public hearing will be in June.

Forestry Update

- Guilford – West of Sugar Loaf ash salvage (GU 4) – 40% complete
- North Branford - Beech Street Softwood (NB 4) – 85% complete
- Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) - Contract not yet awarded.
- Hamden - Overstory removal and Tornado Salvage, (HA 36) – Not started yet
- Bethany – East of Lake Bethany hardwood (BE 18) – 70% complete.
  - Installed deer cages around remaining pitch pine to help with future development.
  - Performed a drone flight at Menunketuc.
  - Captured drone footage for Outreach and Communications staff for use on the RWA facebook page.
  - Inventoried several parcels in Prospect and wrote Qualified Forester's Reports for each (for PA-490 tax classification purposes).

Recreation

- Recreation permit holders – 5,160.
- Billboard campaign with 20% coupon continued.
- Heavy use at all areas was noticed due to COVID restrictions. Additional signs were added at various sites with issues. This led to record-breaking sales of permits and revenues.
- Recreation staff continued to be stationed at Maltby Lakes and Lake Saltonstall parking lots daily since April 13. This was due to the increased volume of people at the two areas. We are tracking which vehicles are still in the parking lots after dusk.
- Reblazed and cleared several trails at Lake Chamberlain and one at Lake Saltonstall.
- LUP amendments were approved by the FMA for relocating the Quinnipiac Trail in Prospect and creating a new trail from the Harrison Preserve in North Branford.
- Two of the large tagged trout were caught at Maltby this month and gift cards were mailed to anglers.
- All Water Wagon events through June have been cancelled.

Special Activity Permits

- Yale School of Forestry & Environmental Studies (Mark Bradford, Ph.D.) – Research invasive plant and earthworm, soil nitrogen cycling - Lake Gaillard (5/20/2020 – 10/31/2020)
- Nicholas G. McDonald (Curatorial Affiliate Yale Peabody Museum, Author, Lecturer) – Geology research - Lake Saltonstall and Lake Gaillard (05/21/2020-05/22/2021)

Other items

- Encroachments/agreements –
  - Agricultural fields – Replied to seven inquiries about using our fields. Wildflower plots – Met with Highstead staff at farm in Ridgefield where they are doing wildflower seed propagation.
  - Bethany, 146 Wooding Hill Rd. (BE 14B) – Sent letter about encroachments.
  - Bethany, 63 Hoadley Rd. (BE 17) – Sent letter about encroachment.
  - Hamden – 49 Maher Ave. (HA 12) – Sent letter about encroachment.
  - Hamden – 20 Washington Ct. (HA 12) – Sent letter about encroachments.
  - Hamden – 66 Washington Rd. (HA 12) – Sent letter about encroachment.
- Invasive plants – Will Henley corresponded with water chestnut vendor. Cut invasives along Saltonstall Ridge, mostly ailanthus. Also cut invasives along trails at Lake Chamberlain.

Invasive Species Documented/ Mapped (ac)	~ 160 acres
Invasive Species Treated (ac/MH)	~ 32 acres

- Durham, Vasel driveway – Vasel’s attorney noted that he made contact with the abutter to the north through which the current driveway traverses.
- ATV’s and dirt bikes – Notified by several parties in various locations about ATV and dirt bike use of our property. Met staff from North Branford Land Trust and Branford Land Trust to discuss barriers along Saltonstall ridge. Discussed matter with Police and Operations.
- Deer hunt – Applications mailed to interested hunters. Applications started to come in before the end of the month. Deadline for the applications is June 20.
- North Haven, Clintonville Pump Station (NO 4A) – Spoke to North Haven Land Trust staff about the trail next to our property.
- Lake Chamberlain Wood Turtle study – Supplied information to requestor from New Hampshire about study that took place at Lake Chamberlain from 1974 to 1993.

At 6:10 p.m., Mr. Ricoszi withdrew from the meeting.

There were no other land items to report.

Chair Levine notified members that the July meeting would include the appointment of a new Committee Chair. Any members interested serving should contact him before the next meeting.

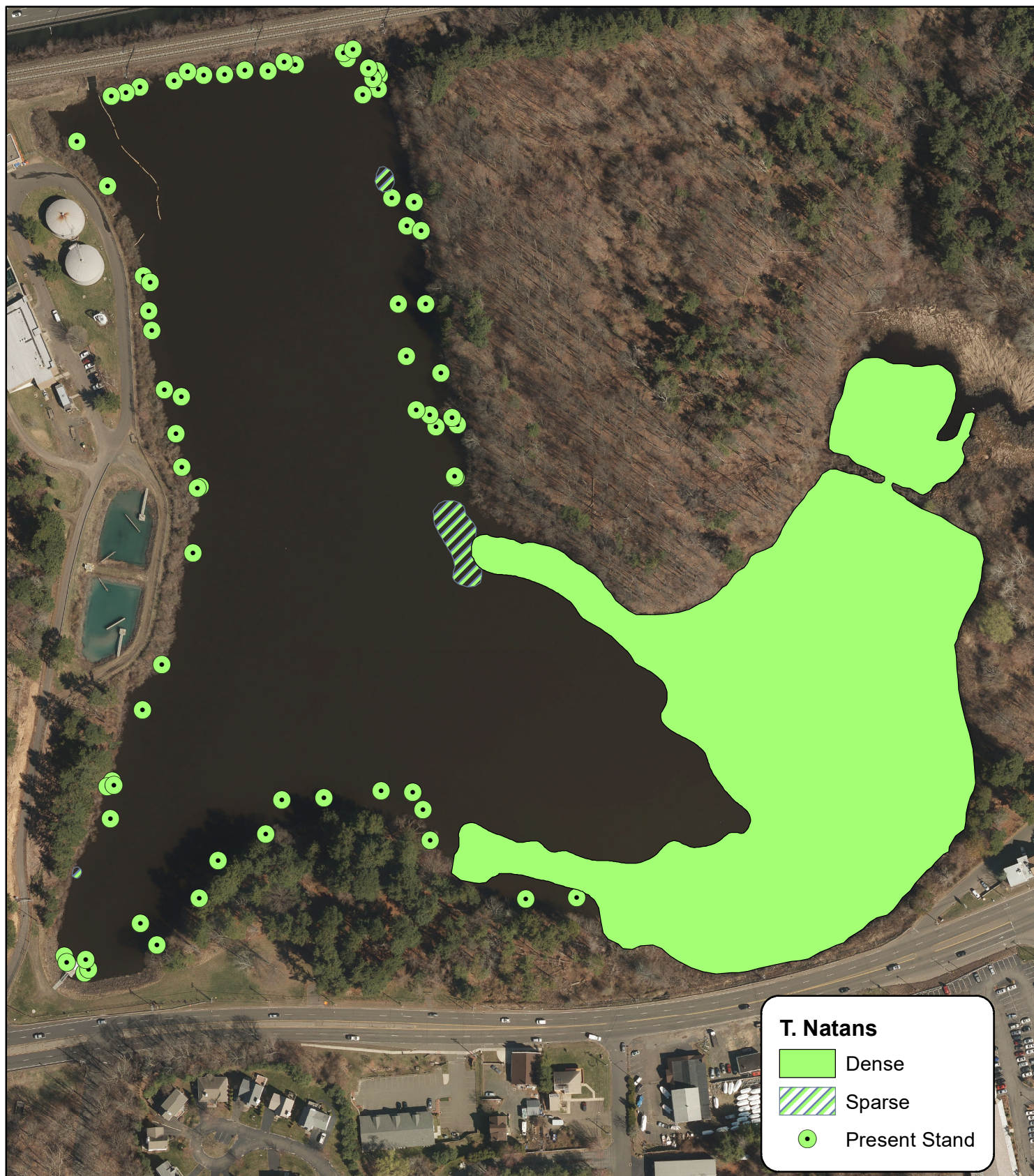
The next regular meeting of the committee is Wednesday, July 8, 2020 at 5:30 p.m.

At 6:20 p.m., the meeting adjourned.

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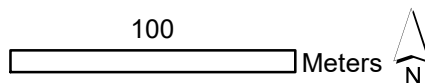
Mark Levine, Chairman





Furnace Pond  
*Trapa natans*  
 (Water Chestnut)  
 Distribution 06/30/20

The survey located and mapped:  
**9.4 acres** of Dense Growth  
**0.18 acres** of Sparse Growth  
 as well as a number of individual  
 stands located throughout  
 Furnace Pond



 Regional Water Authority

Utilizes CT Orthophotography (2016). Map intended for  
 planning purposes only, contains no authoritative data.

**July 8, 2020**  
**Land Use Committee Meeting**

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
June 30, 2020	90	99	88	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
June 2020	2.33	4.56	3.74
Fiscal YTD (6/1/20 – 6/30/20)	2.33	4.56	3.74

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

- Cheshire - Corresponded with property owner of 40+/- acres.

DePodesta and Hendrickson properties, Hamden/Bethany – Executed documents for Hendrickson property and sent to DEEP.

Beers property, Brooksville Rd., Hamden – Sent another letter of support to Hamden town council to acquire this property.

Rental houses:

- Seymour, 59 Rimmon Rd. (SE 11) – Bid opened. Winning bid was from Kanzler for \$67,000. Asked Murtha staff to contact their attorney.
- Hamden, 95 Ives St. (HA 13) and 233 Skiff St. (HA 9A) – Zone change application for 233 Skiff St. was approved by P&Z. Repaired roof at Skiff St.

Forestry Update

- Guilford – West of Sugar Loaf ash salvage (GU 4) – 40% complete
  - North Branford - Beech Street Softwood (NB 4) – 85% complete
  - Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) - Contract not yet awarded.
  - Hamden - Overstory removal and Tornado Salvage, (HA 36) – Not started yet
  - Bethany – East of Lake Bethany hardwood (BE 18) – 70% complete.
- Received final report from the UConn researchers.
  - Inventoried RWA forests in Seymour and Madison.
  - Cut tree blocking West River trail.
  - Participated in news segment on ticks and barberry for several news channels at Maltby Lakes.
  - Met with Jeff Ward (Chief Scientist, CAES) at two sites (Seymour/Madison) for experimental natural deer fencing (slash walls) in timber harvests.

Recreation

- Recreation permit holders – 5,435
- Billboard campaign with 20% coupon continued ended in May (May 26), but the bill insert restarted on June 8 and will continue until August 21.
- As COVID restrictions are lifted, we have seen fewer people out at the properties, however there are still more people than in previous June's.
- Worked on plan to re-open boating at Lake Saltonstall. Boat dock has been installed.



- Recreation staff continued to be stationed at Maltby Lakes and Lake Saltonstall parking lots daily since April 13. We have done occasional shifts at Lake Chamberlain which have been beneficial.
- Revoked permits for two people who verbally abused a recreation staff member at Maltby Lakes. By the end of the month, we have been in contact with one of them as they were appealing to be reinstated.
- Reblazed and cleared trails at Lake Chamberlain, Lake Hammonasset, and Genesee.
- LUP amendments were approved by the RPB for relocating the Quinnipiac Trail in Prospect and creating a new trail from the Harrison Preserve in North Branford. License agreements were sent to the CFPa and NBLCT for each trail. Invoices were also mailed out.

#### Special Activity Permits

- Department of Ecology & Evolutionary Biology, UCONN (Gina Nichol) – survey the lake edge by boat (personal Kayak or canoe) to document any breeding birds along the edge-zebra mussel protocol strictly follow; Lake Saltonstall (06/05/2020 raindate 06/08/2020)
- CT Agricultural Experiment Station (Dr. Claire Rutledge) – research project on two aspects of ash perservation in the presence of Emerald Ash Borer; Lake Gaillard, West St., Mill River, Old Mill Rd. (06/10/2020-09/30/2023)
- Resources in Search and Rescue, Inc.-(Ms. Celeste Robitaille and designees)- Training of Search and Rescue K9 teams to locate drowning victims, Gaillard Reservoir south and west portion; (6/25/2020-6/28/2020)
- Department of Ecology & Evolutionary Biology, UCONN (Gina Nichol) – conduct a followup survey the lake edge by boat (personal Kayak or canoe) to document any breeding birds along the edge-zebra mussel protocol strictly follow; final date for documenting this species breeding is July 5; Lake Saltonstall (06/22/2020 raindate 06/26/2020)
- Resources in Search and Rescue, Inc.-(Ms. Celeste Robitaille and designees)-Training of Seach and RK9 teams to locate lost or missing individuals, RT 42 “Swamp” southeast of RT 42 Bethany; (6/25/2020-6/25/2021).
- C. Thomas Paul – (Permit renewal) Conduct research on American Indian and pre-Columbian culture as related to the Hammonasset Line - Killingworth, Madison and Guilford (6/26/2020-6/26/201).

#### Other items

- Encroachments/agreements –
  - Agricultural fields – Signed agreement with Bobby Tanev to hay all the fields in Prospect, Bethany, and Woodbridge. At month’s end, we were waiting for his COI to authorize him to start. Discussed other fields with two potential farmers.
  - Bethany, 54 Wooding Hill Rd. (BE 17) – Sent letter about encroachment.
  - Bethany, 127 Gaylord Mountain Rd. (BE 13A) – Sent letter about encroachments.
  - Bethany, 377 Carrington Rd., (BE 9) – Sent letter about encroachment.
  - Hamden, 4061 Whitney Ave. (HA 19) – Sent letter about encroachments.
  - North Branford, 29 Whispering Hills Dr. (NB 4A) – Sent letter about encroachments.
  - Seymour, 131 Silvermine Rd. (SE 10) – Sent letter about encroachment.
  - Bethany Horsemen – Executed annual agreement.
  - Hamden, Servoss St. – Remarked boundary and repaired fence to prevent trespassers going to Lake Whitney.
- Invasive plants – Cut invasives along Saltonstall Ridge, mostly ailanthus. Also cut invasives in Bethany, Woodbridge, Hamden, and East Haven. Installed metal mesh on Davis St.. as an experiment to reduce the amount of knotweed near the sidewalk.

Invasive Species Documented/ Mapped (ac)	~ 10 acres
Invasive Species Treated (ac/MH)	~ 22 acres

- ATV's and dirt bikes – Continued to work with land trusts regarding ATV and dirt bike trespassers.
- Deer hunt – Deadline for the applications was June 20. There were 184 applicants for 205 spots.
- Simon property dam – Met with Roger and Mary Ellen Simon to discuss how we operate Lake Bethany for the water system since they are planning to work on their dam.
- Milford, Tower St. tank – Replied to question regarding former tank on this site. Supplied photos to requestor.

#### Attachments

- June 11, 2020 - Stretch Your Dollar: Whitney Water Center offers fun, creative videos for kids during the summer - WTNH
- June 9, 2020 - PFAS Cleanup Backers Face Unexpected Foe: Water Utilities - Bloomberg Law website
- June 18, 2020 - Check your backyard for barberry and yourself for ticks – Fox61
- June 2020 – RWA's Watershed Fund Renamed in Memory of Founder and Champion Claire C. Bennitt – AWWA magazine

#### Upcoming Agenda Items

August 2020 –

#### **Stretch Your Dollar: Whitney Water Center offers fun, creative videos for kids during the summer**

by: Laura Hutchinson – WTNH - Jun 11, 2020

As more and more camps and summer programs are canceled due to COVID-19 concerns, one program is getting creative to reach out to kids. We are stretching your dollar with one way learning can continue.

From school closures to now summer camps canceled, the coronavirus pandemic has created challenges for kids who want to learn. It's why the Whitney Water Center in Hamden is getting creative.

"We're doing our best to provide them with the resource, a familiar face and a familiar program during these pretty challenging times for everyone," Water Science Educator Lisa DiFrancesco says.

Lisa DiFrancesco works with the Regional Water Authority. She puts together short, fun activities for your kids to do while social distancing at home this summer!

"One of my favorites is where you're learning about air pressure and water can't be compressed, and it does some really cool things."

There are 25 short, 3-5 minute videos that kids as young as kindergarten to middle school may find fun to do.

Parents, you may need to help with a few of them or help gather some materials for set-up. But for the most part, kids may be able to watch and learn on their own.

"You can always learn something new. There's no reason just because school is done and you can't be at camp that you can't have fun learning experiences and outside should certainly be part of that."

The videos are free and most are available now whenever you're ready for the learning to begin. Click here to check out the videos.

#### **PFAS Cleanup Backers Face Unexpected Foe: Water Utilities**

June 9, 2020, 6:00 AM – Bloomberg Law website

Water suppliers fear Superfund designation will end up costing them

After decades of inaction, the federal government has gotten serious about cleaning up PFAS, a class of compounds known as "forever chemicals" that have been linked to health problems and inhabit the bloodstream of nearly every American.

Congress has introduced dozens of bills mentioning “PFAS” so far in the 2019-2020 Congress, many more than in previous years. The boom in legislation has sparked a major increase in lobbying. In 2017, only four entities mentioned the issue in government lobbying reports. In 2018, the number grew to 35, and by 2019, it rocketed to 164.

More water utilities—which have pushed back against certain provisions to clean up PFAS—have lobbied on regulation of the chemicals than any other group. They rank above the air travel industry, cities, and chemical companies, a Bloomberg Law analysis shows.

“I continue to be shocked that people charged with keeping our water clean have been among the most vocal opponents of getting PFAS out of our water, and are in many respects just as bad as many of the polluters whose mess they are charged with cleaning up,” said Scott Faber, senior vice president for government affairs with the Environmental Working Group, a nonprofit advocacy organization.

PFAS chemicals have invaded the nation’s water supply, thanks mostly to discharges from manufacturers and the use of firefighting foam by the military. Utilities are concerned about being stuck with major expenses if the compounds are declared “hazardous” under the federal Superfund law. They have also resisted efforts in Congress to push what they see as overly broad enforcement limits on PFAS in drinking water.

“We consider our top priority to be public health and that has been our mission for as long as we’ve been in existence,” said Tracy Mehan, who heads federal government affairs for the American Water Works Association, in response to Faber’s comment. The utility trade group’s membership includes over 4,300 utilities that supply roughly 80% of the nation’s drinking water and treat almost half the nation’s wastewater.

While the Superfund designation didn’t make it into law last year, some other, narrower reforms did, relating to the military. Meanwhile, nearly half the states are writing their own guidance, regulations, or legislation on PFAS chemicals, with some running into opposition from utilities.

One basic question underlies the debate over what to do about what is arguably one of the most pervasive public health threats facing Americans in years: Who is going to pay to clean up this mess?

## **PFAS Explained**

PFAS is short for per- or polyfluoroalkyl substances, which have been manufactured and used in various products since the 1940s, most famously in DuPont’s nonstick Teflon pans, which debuted in 1946. The man-made chemicals include thousands of variations, including PFOA (perfluorooctanoic acid) and PFOS (perfluorooctane sulfonate), among the most studied in the group.

They are used in hundreds of products, including microwave popcorn bags, stain-resistant and water-repellent fabrics, and firefighting foams. One report by the Centers for Disease Control and Prevention from 2015 estimated that PFAS could be found in the blood of 97% of Americans.

PFAS compounds don’t break down and they tend to accumulate in the body, prompting the label “forever chemicals.” Scientists don’t know the environmental half-life for PFAS, which is the amount of time it takes 50% of a chemical to disappear, according to the National Institutes of Health.

The health effects of the most common PFAS chemicals, according to the Agency for Toxic Substances and Disease Registry, may include interference with the body’s natural hormones, increased cholesterol levels, immune system effects, and increased risk of some cancers.

Despite the concerns about the chemical compounds, the EPA has been slow to regulate them, critics say. In February 2019, the agency released its PFAS Action Plan and a year later, announced it was considering regulating PFOS and PFOA in drinking water and sought comment. A request for an interview with EPA Administrator Andrew Wheeler was denied.

Agency spokeswoman Corry Schiermeyer said that the EPA “continues to work on the proposed rule to designate PFOA and PFOS as hazardous substances under CERCLA,” the Comprehensive Environmental Response, Compensation and Liability Act, better known as Superfund. “In the absence of the rule, EPA has used its existing authorities to compel cleanups,” which are detailed in the plan.

“The EPA is making some progress, although at a typically slow pace,” said Seth Siegel, author of the book “Troubled Water: What’s Wrong with What We Drink.”

“Because there is such a large financial incentive for both industry and the Pentagon to stall, I don’t expect this to get addressed any time soon unless there is a public outcry,” he added.

But pressure from Congress on the EPA is mounting to do something quickly. Tests of drinking water in several states have revealed contamination, sparking public protests, switches to bottled water in some systems, and legislation in numerous state legislatures.

## **Who Pays?**

Under proposed EPA regulation and congressional action, utilities are faced with removing the stubborn compounds from their systems and disposing of them in landfills which could be designated as Superfund sites. Water utilities are already dealing with an aging infrastructure, worries about lead, and costs associated with the coronavirus pandemic and its economic impact.

Among the tools in the EPA's toolbox for cleaning up toxic chemicals like PFAS is the Superfund law, enacted in 1980, which gave the agency the authority to force polluters to pay for cleanup of toxic sites.

In July 2019, the Democrat-controlled House approved the National Defense Authorization Act (H.R. 2500), which contained an amendment by Michigan Democratic Rep. Debbie Dingell that would force the EPA to designate PFOA and PFOS as "hazardous" within a year, thus triggering the Superfund designation that would allow the EPA to compel cleanup.

An alliance of water associations wrote to the House and Senate armed services committees in August, saying the Superfund designation could "create liability for communities that encounter PFAS in their water treatment activities."

The letter was signed by the American Water Works Association, the American Association of Metropolitan Water Agencies, the National Association of Water Companies, and the National Rural Water Association.

A coalition of industry groups also argued against the Superfund designation, saying such decisions are "not political questions that Congress is best positioned to address," in a letter to the House. "EPA should retain its traditional authority to study potentially hazardous substances and to ascertain whether they should be designated under CERCLA."

The letter was signed by more than a dozen industry associations, including the American Chemistry Council, whose members include 3M, which still manufactures PFAS compounds, and DuPont spinoff, Chemours Co., which now holds most of DuPont's PFAS liabilities.

Faber, of the Environmental Working Group, said utilities aren't usually big contributors of PFAS to sites that could be designated under Superfund and subjected to liability. And they don't have deep pockets. The government usually goes after companies with resources, not "cash-strapped entities," he continued.

Mehan, from the utilities group, said that EPA doesn't sue municipalities under Superfund, but other entities—like polluters that have been declared responsible for cleaning up contaminated sites—"have and will. Hundreds of them."

Mark W. LeChevallier is the former chief environmental officer for publicly traded American Water and is now a consultant. "Any utility has to be worried," he said. "The ultimate disposal is an issue here. And that might be a concern that some utilities have. Will they have ultimate responsibility?"

### **PFAS Makers Pay Up**

Cleanup of PFAS under proposed laws falls almost entirely on the water utilities, and largely leaves alone the companies that make the chemicals, and the military, which uses PFAS-containing firefighting foams, noted LeChevallier.

"They're on the hook for providing the treatment and passing those costs onto the customers," he said of utilities. "Whereas the original polluter, there's no legislation—you're paying for someone else's pollution."

Chemical companies have their own problems.

DuPont de Nemours, Inc., 3M, Chemours, and other PFAS manufacturers, as well as companies that use the chemicals in their products, face a growing barrage of lawsuits.

3M in 2018 reached a single \$850 million settlement with the state of Minnesota to cover damage the chemicals caused to the state's drinking water. Under the settlement agreement, the company admits to no "fault, responsibility, wrongdoing, or liability."

Despite the payout, 3M on its PFAS information website says that "the weight of scientific evidence from decades of research does not show that PFOS or PFOA causes harm in people at current or past levels."

While chemical companies only rank fourth in total entities registered to lobby PFAS issues, that's not a true measure of their influence.

Big companies like 3M, DuPont, and Chemours employ dozens of lobbyists and spend millions of dollars each quarter on a multitude of issues. For example, 3M spent more than \$1 million on lobbying in the first quarter of 2020 on at least two dozen issues and pieces of legislation, including the PFAS Action Act of 2019 (H.R. 535).

### **Broader Action Rejected**

The spike in bill introductions coincides with the House takeover by Democrats in 2019, though some Republicans have also introduced PFAS-related bills.

In January 2019, Dingell introduced the PFAS Action Act, a sort of omnibus PFAS bill that included several proposals, among them the Superfund requirement and an enforceable limit on PFAS in drinking water. The bill passed the Democratic-controlled House in January and was dead on arrival when it hit the upper chamber.

The White House “strongly” opposed the bill, saying in a veto advisory that the legislation would “bypass well-established processes, procedures, and legal requirements of the nation’s most fundamental environmental laws.”

More recently, the Senate Committee on Environment and Public Works agreed to direct the EPA to develop a national drinking water standard for PFOA and PFOS within two years—though that language is still likely to be problematic for utilities.

The water utility associations oppose any standard that regulates the chemicals “as a group or class,” noting in a letter to Senate Armed Services Committee Chairman James Inhofe (R-Okla.) that “more research is needed to understand the health impacts of other PFAS compounds.”

However, Mehan said the association “would be open to various groupings—three, five, or some other grouping—if there is a legitimate scientific justification common to the group.”

Current legislation singles out the two most-studied compounds, PFOA and PFOS, and tasks the EPA with considering regulation of other PFAS in coming years.

Those chemicals are “the tip of the iceberg” as far as utilities are concerned, according to LeChevallier, the consultant. The utilities can deal with those two compounds. It’s the thousands of others that are part of the PFAS family that they’re worried about.

The utility associations argue that more research is needed to understand the health impacts of other PFAS, and that the EPA already has authority under the Safe Drinking Water Act to regulate them.

### **Colorado Pushback**

Several states are years ahead of the federal government when it comes to addressing the PFAS issue. But some are battling the same lobbyists for industry and water utilities.

In Colorado, where groundwater contamination is a problem thanks in part to the military’s use of firefighting foam at its facilities, state lawmakers proposed testing requirements for drinking water and setting limits for PFAS. But the proposal didn’t survive the bill’s first hearing.

“We had pushback from the utility companies,” said state Rep. Tony Exum Sr., a Democrat who represents a part of the state that has been contaminated with the chemicals. “To mitigate and prevent is very, very expensive, as well as enforcement.”

Similar to the federal level, the groups had liability concerns, which lawmakers sought to address, “but we just didn’t have enough time to move forward,” Exum said.

“We’re going to keep working on it so we can come to an agreement,” he continued. “We can’t take clean water for granted.”



## **Check your backyard for barberry and yourself for ticks**

A mild winter and a cool spring were a recipe for ticks.

Fox 61 - June 18, 2020

WEST HAVEN, Conn. — The danger to public health this summer doesn't end with COVID-19. Ticks are spreading Lyme disease and a host of other illnesses. And a plant commonly found in backyards across Connecticut is contributing to the problem. A Corona with a lime is a popular summer adult drink combination, but from a public health standpoint, corona with lyme is a terrible combination. Luckily, there's a lot we can do this summer to minimize our risk to both.

A mild winter and a cool spring were a recipe for ticks. "Last winter could scarcely be called a winter so the tick population I would expect to be much higher," said Alexander Amendola, a Forester for the Regional Water Authority. Dog ticks, deer ticks and even new species. "There are several other species that are newly introduced to Connecticut that we haven't detected on our property yet but they are coming and coming with their own host of diseases," said Amendola.

The one we all know about is Lyme. It is easily spotted for its classic bullseye rash. "If I find one on my body that's especially engorged I'll put it in tape and I'll write the date on it and if at any point in the next few months I start to feel sick I know I have the tick and they can test it," said Amendola.

On this day the foresters of the South Central Regional Water Authority were scouring the woods of the Maltby Lakes recreation area for barberry. Joshua Tracy is the Invasive Species Management Technician for the Regional Water Authority. He said, "Barberries are very small lobed leaves. When you are looking at the stem and all the branches they have these very small needle like thorns on them." Check your yard! Many people have it. "Realistically, at any point you are probably within a stones throw of a barberry plant." They are a haven for ticks. "Cooler, moist atmosphere underneath that the ticks need to be able to survive the harsh summers," said Tracy. The foresters used an industrial weed wrench to rip it out but homeowners can use a propane torch, herbicide or just dig it out too.

The barberry plant is an invasive species that was brought here from japan over 200 years ago. It causes soil erosion and can even impact water quality.

## RWA's Watershed Fund Renamed in Memory of Founder and Champion Claire C. Bennitt

The Regional Water Authority announced recently that The Watershed Fund has been renamed The Claire C. Bennitt Watershed Fund in honor of the fund's founder, who passed away last year following a brief illness. Under Claire's guidance, the nonprofit Watershed Fund has helped preserve hundreds of acres of land and provided over \$500,000 in scholarships to college students studying environmental sciences.

"We all owe Claire Bennitt a great deal of gratitude for the work she did at the RWA and beyond to protect open space and share her love of the environment with others," said **Larry Bingaman, President and CEO of the Regional Water Authority**. "From its founding, the RWA has worked tirelessly to follow Claire Bennitt's vision for the organization by ensuring that we meet the region's water and land management needs now and long into the future, and by encouraging outdoor recreation and environmental education. By memorializing Claire's work on The Watershed Fund with this renaming, our hope is that it will inspire others to follow her example and create the next generation of environmental stewards who will continue her work and legacy."

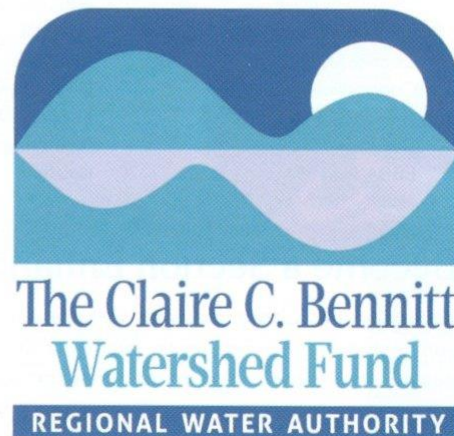
"In many ways this name change simply formalizes the fact that it has always been Claire Bennitt's Watershed Fund," said **Brian Stone, President of the Claire C. Bennitt Watershed Fund**. "It was Claire's commitment to our region and her dedication to watershed preservation and environmental education that formed this nonprofit charity, and it is her example that we continue to follow each day."

Claire C. Bennitt was a North Branford community leader and conservation activist who fought a proposal by the New Haven Water Company to sell over 40% of its landholdings to finance improvements required by the *Safe Drinking Water Act* of 1974. As an aide to then State Representative Dorothy McCluskey (D-North Branford), Claire organized residents and advocacy groups to champion legislation that regionalized the water utility, forming the RWA in 1977. Claire also played a key role in establishing the RWA's Recreation Program, which was named in her honor when she

***"The education programs and scholarships supported by The Fund provide future leaders with the tools they need to preserve and protect open space and drinking water supply resources."***

retired from her position as the RWA's board chair at the end of 2009. Claire was also instrumental in establishing the RWA's water science education program.

Claire helped establish The Watershed Fund in 1999, and it remains a driving force behind the RWA's mission to provide customers with high-quality water while promoting the preservation of watershed lands and aquifers. The education programs and scholarships supported by The Fund provide future leaders with the tools they need to preserve and protect open space and drinking water supply resources. 💧



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