

**BUREAU OF PUBLIC WORKS
SPECIAL MEETING**

555 Main Street, Hartford
Monday, August 22, 2022

Present: Commissioners Andrew Adil, John Avedisian, Richard Bush, Donald Currey, David Drake, Allen Hoffman, Dominic Pane, Raymond Sweezy, Alvin Taylor, Calixto Torres, Richard W. Vicino and District Chairman William DiBella (12)

Remote

Attendance: Commissioners Byron Lester, Maureen Magnan, and Bhupen Patel (3)

Absent: Commissioners James Healy, Alphonse Marotta, and James Woulfe (3)

Also

Present: Commissioner Joan Gentile
Commissioner Jacqueline Mandyck
Scott W. Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John S. Mirtle, District Clerk
Christopher Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer
Sue Negrelli, Director of Engineering
Tom Tyler, Director of Facilities
David Rutty, Director of Operations
Robert Schwarm, Director of Information Technology (Remote Attendance)
Jason Waterbury, Manager of Engineering Services
Julie Price, Executive Assistant
David Baker, IT Consultant (Remote attendance)
Joseph Szerejko, Independent Consumer Advocate (Remote Attendance)
Joe Laliberte, CDM Smith

CALL TO ORDER

The meeting was called to order by Chairman Richard Vicino at 5:01 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Judy Allen, of West Hartford, asked that certain items be addressed during the presentation regarding agenda item #4, State of CT Department of Energy & Environmental Protection Consent Order. First, she wanted to know what projects need the dredging of the Park River to be done first? She also asked about the section of the Consent Order regarding public outreach and the inclusion and participation of the

Consumer Advocate. Lastly, are there projects listed in the plan that are dependent on completion of other work by someone other than the MDC (i.e. West Hartford stormwater projects)?

APPROVAL OF MEETING MINUTES

On motion made by Commissioner Adil and duly seconded, the meeting minutes of June 30, 2022 were approved.

CONSENT ORDER #COWRMU22002 2018 INTEGRATED PLAN/LONG TERM CONTROL PLAN

To: Bureau of Public Works for consideration on August 22, 2022

On November 7, 2006 the District entered into Consent Order No. WC5434 with CT DEEP to implement actions to abate overflow from both sanitary and combined sewers throughout the District. In December 2012, the District submitted a required Long-Term Combined Sewer Overflow Control Plan update to CT DEEP which was approved in April, 2015. In 2012, the EPA developed an integrated planning framework that offered the opportunity for the regulated community to develop an integrated plan to meet multiple Clean Water Act requirements while also considering other infrastructure improvements and affordability issues, such as improvements to the District's drinking water system and associated costs. In 2019 the Water Infrastructure and Improvement Act became federal law and amended the Clean Water Act to include the integrated planning framework. In December 2018, per the Consent Order, the District submitted another update to its Long-Term Control Plan to CT DEEP. The update plan, titled Integrated Plan and Long-Term Control Plan ("2018 LTCP/IP"), incorporates an integrated planning concept and identifies the next iteration of actions with associated timelines for meeting the requirements of the CSO Control Policy and water quality standards.

CT DEEP has now completed its review of the 2018 LTCP/IP and issued a new draft Consent Order to supersede the 2006 Consent Order No. WC5434. CT DEEP determined that the 2018 LTCP/IP constitutes a new program and approach to achieving the requirements of the CSO Control Policy and water quality standards, and as such the District is authorized to de-authorize certain outstanding projects and associated outstanding bonds authorized to complete those projects delineated in the 2005 LTCP and the 2012 LTCP. Upon doing so, the first phase of the Clean Water Project, established under the LTCP and the 2012 LTCP is concluded as to the de-authorized projects. The Integrated Plan Implementation Phase I Project List and Timeline from Appendix A, shall serve as the list of projects to be completed that are necessary for the District to be deemed compliant with this Consent Order through 2029.

It is **RECOMMENDED** that it be

VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: That the Chief Executive Officer of The Metropolitan District, Scott W. Jellison, on behalf of the District, hereby is authorized, empowered and directed to enter into Consent Order #COWRMU22002 with the State of Connecticut Department of Energy & Environmental Protection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott W. Jellison', written in a cursive style.

Scott W. Jellison
Chief Executive Officer



Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

V.

THE METROPOLITAN DISTRICT

CONSENT ORDER

A. With the agreement of The Metropolitan District, the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. The Metropolitan District ("Respondent") owns and operates a sanitary sewerage system, including a sewage treatment facility known as the Hartford Water Pollution Control Facility ("HWPCF"), and discharges treated sanitary sewage under the terms and conditions of NPDES Wastewater Discharge Permit No CT0100251.
2. The Respondent maintains a sewerage system, which includes sewers that convey both stormwater and sanitary sewage ("combined sewers"). During increased flow conditions associated with wet weather events, such combined sewers discharge untreated sewage to the waters of the state at certain locations ("combined sewer overflows"). Currently, the respondent has thirty-eight active combined sewer overflow locations within their collection system that discharge combined sewage at various volumes and times depending on the storm location and severity.
3. The State of Connecticut has published the *Combined Sewer Overflow Strategy, May 1990* as a guidance document for the development of combined sewer overflow control strategies.
4. The United States Environmental Protection Agency ("EPA") has published the *Combined Sewer Overflow Control Policy, April 1994* ("CSO Control Policy") which requires compliance with the implementation of the "Nine Minimum Controls" and development of a "Long-Term Combined Sewer Overflow Control Plan".
5. On July 7, 1994, the Respondent entered into Consent Order No. WC 5143 to address combined sewer overflows into Folly Brook and Wethersfield Cove.
6. On May 13, 1998, the Respondent entered into Consent Order No. WC 5248 to address combined sewer overflows into Folly Brook and Wethersfield Cove and the installation of a system-wide overflow alarm program.

7. On January 15, 2002, the Respondent, along with the City of Hartford, entered into Consent Order No. WC 5317 to address discharges of storm water and surface water from Tower Brook into the Respondent's sewer system.
8. On December 28, 1994, the Respondent submitted to the Commissioner the report entitled *Nine Minimum Control Measures Status Report for the Metropolitan District Commission, Hartford, CT Docket No. 94-308-038*.
9. On April 20, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow (CSO) Abatement Long Term Facilities Plan, Phase II, Long-Term CSO Control Plan and Water Quality Monitoring Program (WQMP)* dated May 1998 by Malcolm Pirnie, Inc.
10. On April 30, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow Abatement Long-Term Facilities Plan, Phase II Solids and Floatables Abatement Plan* prepared by Malcolm Pirnie, Inc.
11. On November 8, 1999, the Respondent submitted to the Commissioner the report entitled *Combined Sewer Overflow Warning System, CSO Communications Plan* prepared by Malcolm Pirnie, Inc.
12. On April 2, 2002, the Commissioner found that the Respondent's "Long-Term Combined Sewer Overflow Control Plan" did not adequately address water quality standards and did not fully address all of the Nine Minimum Controls.
13. On October 2, 2002, the Respondent entered into Consent Order WC 5365 requiring the Respondent to revise the "Long-Term Combined Sewer Overflow Control Plan" to comply with the EPA's 1994 and 2002 CSO Control Policy, which have been incorporated into the Federal Clean Water Acts of 1972, as amended.
14. On December 30, 2004, the Respondent submitted to the Commissioner a revised report entitled *Long-Term CSO Control Plan (LTCP)*, prepared by Camp, Dresser & McKee, which further addressed meeting the requirements of the CSO Control Policy and water quality standards.
15. On November 7, 2006, the Respondent entered into Consent Order No. WC 5434 to implement actions to abate overflows from both the sanitary and combined sewers throughout the District.
16. As required by Consent Order No. WC 5434, on December 28, 2012, the Respondent submitted to the Commissioner a report entitled *Long-Term Combined Sewer Overflow Control Plan 2012 Update* prepared by CDM Smith, and dated December 28, 2012, revised on August 28, 2014 and December 4, 2014 (2012 LTCP). This

report is a LTCP Update which further addressed meeting the requirements of the CSO Control Policy and water quality standards.

17. In 2012, EPA developed an integrated planning framework that offered a voluntary opportunity for a municipality, such as the Respondent, to develop an integrated plan to meet multiple Clean Water Act (CWA) requirements. On January 14, 2019, the Water Infrastructure and Improvement Act (WIIA) (H.R. 7279) became law. WIIA added a new Section 402(s) to the CWA to amend the CWA to include the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework.
18. As required by Minor Consent Order Modification No. 2 dated May 2, 2017 to Consent Order No. WC 5434, on December 28, 2018, the Respondent submitted to the Commissioner a report entitled *Integrated Plan and Long-Term Control Plan*, prepared by CDM Smith and dated December 2018 (2018 IP/LTCP). This report was developed pursuant to the federal Water Infrastructure Improvement Act of 2018 to satisfy the requirements set forth in the Modified Consent Order and identified the next iteration of the actions with associated timelines for meeting the requirements of the CSO Control Policy and water quality standards.
19. The 2018 IP/LTCP constitutes a new program and approach to achieving the requirements of the CSO Control Policy and water quality standards, and as such the Respondent is hereby authorized to de-authorize any outstanding projects and any outstanding bonds authorized to complete the projects delineated in the LTCP and the 2012 LTCP. Upon doing so, the first phase of the Clean Water Project established under the LTCP and the 2012 LTCP, is concluded. The *Integrated Plan Implementation Phase I Project List and Timeline*, attached hereto as Appendix A, shall serve as the list of projects to be completed that are necessary for the Respondent to be deemed compliant with this Consent Order through 2029, as may be modified or amended pursuant to the procedure set forth below in paragraph B. 31.
20. DEEP requested a summary update to the 2018 IP/LTCP submitted pursuant to paragraph A.18. above. On May 14, 2020, the Respondent submitted to the Commissioner a report entitled *2018 Integrated Long-Term CSO Control Plan Summary* prepared by CDM Smith and dated May 2020.
21. As requested by DEEP, on February 1, 2021, the Respondent submitted to the Commissioner a report entitled *Integrated Plan Implementation Phase I (2021 through 2028) and Future Phases* prepared by CDM Smith and dated January 29, 2021 ("Integrated Plan Implementation Phase I"). This report outlines identifies CSO projects, their priority based on water quality, cost, and engineering factors, and associated sequencing of projects for the period from 2021 to 2029, inclusive.

22. By virtue of A.1 and A.2, the Respondent is causing pollution of the waters of the state and is maintaining facilities or conditions that can reasonably be expected to create a source of pollution to the waters of the state.

B. The Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, and §22a-431 of the Connecticut General Statutes, orders the Respondent as follows:

1. The Respondent shall:
 - a. Implement the 2018 IP/LTCP, including the specific actions outlined in the Integrated Plan Implementation Phase I, with the overarching goals of:
 - i. achieving a 1-year storm level of CSO control for CSO Regulators where and as identified in Tables 1 and 2 in Appendix B of this consent order.
 - ii. eliminating CSOs tributary to Wethersfield Cove, including CSOs to Folly Brook, by completing tunnel projects, no later than December 31, 2029,
 - iii. eliminating CSO Discharges to the North Branch of the Park River, by completing conveyance improvements, sewer separations, and infiltration and inflow reduction projects, no later than December 31, 2043,

Steady progress towards completion shall be made equally in each of the action(s) identified in sections B.1.a.(i) to (iv), inclusive within the required time period; however, a delay for just cause in any of such actions shall not be justification for delay in other required action.

- b. Continue to demonstrate a means, in accordance with the Respondent's Charter, to authorize funding necessary to implement the 2018 IP/LTCP and the Integrated Plan Implementation Phase I, including but not limited to actions necessary to meet the goals identified in section B.1.a above. The means by which the Respondent funds required subsequent authorizations shall be demonstrated at least one year prior to the need for additional funding until the full authorization level to fully implement the 2018 IP/LTCP, including the Integrated Plan Implementation Phase I, has been achieved.
2. The Respondent shall initiate engineering and related construction contracts to implement the Integrated Plan Implementation Phase I at a minimum average annual expenditure rate which is consistent with the Respondent's affordability analysis and project schedule set forth in Integrated Plan Implementation Phase I of a minimum spending rate of \$40M per year, inclusive of any contracts required to comply with the Respondent's USEPA and USDOJ Consent Decree and to remove nitrogen at the Respondent's wastewater treatment facilities.

Nothing in this consent order shall preclude the Commissioner from requiring an increase in the Respondent's \$40M minimum average annual expenditure rate, as

necessary to implement future engineering and construction contracts to complete all actions necessary to abate CSOs within the service area, upon a finding of changes in affordability as indicated in future integrated plan and/or long-term CSO control plan updates. Furthermore, for future Integrated Plan phases, the Commissioner anticipates annual expenditure rates will increase with the specific rate to be identified in the Long-Term CSO Control Plan Update required by section B.16 of this consent order and as determined by an updated affordability analysis pursuant to EPA's "1997 Combined Sewer Overflows - Guidance for Financial Capacity Assessment and Schedule Development", as amended and/or superseded.

3. The Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with and the Commissioner acknowledges that CDM Smith Inc. as identified by the Respondent, may prepare documents and oversee the actions required by this consent order for the Integrated Plan Implementation Phase I. Within ten days after retaining any consultants(s) other than the one originally identified under this paragraph, the Respondent shall notify the Commissioner in writing of the identity of such other consultant(s). The consultant(s) retained shall be qualified professional engineers licensed to practice in Connecticut and shall be acceptable to the Commissioner. The Respondent shall submit to the Commissioner a description of the consultant's education, experience and training which is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
4. Commencing on April 1, 2023 and until full compliance with this consent order has been achieved, the Respondent shall conduct public information and outreach as follows:
 - A. Post on its website an annual update/report, which tracks the status of each implementation plan action in Phase 1, as identified in the Integrated Plan Implementation Phase I, in a format different than the required annual reports submitted to the Commissioner in accordance with paragraph B.18 of this consent order. Such update/report shall:
 - a. Consist of a user-friendly presentation of information in non-technical, layman's terms (with a general public audience in mind) regarding progress on Integrated Plan Implementation Phase 1;
 - b. For Phase 1, clearly identify which specific actions/projects are to be implemented in each calendar year and the associated timeframe for completion; and discussion of funding sources for future implementation actions, and

- c. Commencing on April 1, 2024, include an annual summary of projects completed in the previous calendar year, identification of compliance with completion deadlines, or if a deadline is missed, identification of the cause(s), and an alternate proposed deadline. This posting does not relieve the Respondent of the requirement of notification to the Commissioner as outlined in paragraph B.16. of this consent order.
 - d. Include updates and estimates for incremental achievements in CSO reductions.
- B. Conduct an annual meeting outside of typical business hours (8:00 am to 5:00 pm) for the general public which presents the annual update/ report required by paragraph B.4.A. of this consent order and includes a question/answer component. The required annual update/ report required by paragraph B.4.A. of this consent order and notice of the date and time of the annual meeting shall be posted on Respondent's website at least 30 days prior to such annual meeting.
- C. Include Respondent's consumer advocate in the review of each annual update/ report required by paragraph B.4.a of this consent order and his/her attendance at each annual meeting required by paragraph B.4.B. of this consent order.
- 5. On or before December 31, 2022, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: Current CIP Sewer Rehab (Park River and South Meadows Area), Current CIP Sewer Rehab (Bloomfield and North Branch Park River), and Current CIP Sewer Rehab (Gully Brook area).
- 6. On or before December 31, 2023, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: I-4 (N-30) Improvements and North Branch Park River Drainage Study.
- 7. On or before December 31, 2024, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: Cemetery Brook Area Large Diameter Rehab and Replacement/rehabilitation of existing collection system gates at SM-2.
- 8. On or before December 31, 2025, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of this consent order: 18" to 21" brick rehabilitation in Park River and South Meadows area and West Hartford SSES implementation Contract 2012-59.

9. On or before December 31, 2026, the following projects are to be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of the consent order: Farmington and Homestead Avenue Area Large Diameter Rehab; Farmington and Homestead Avenue Area Large Diameter Rehab; and South Hartford Conveyance and Storage Tunnel (SHCST) Contracts 2, 3, and 5. Milestones reached by December 31, 2026, shall include eliminating structural SSOs CTS-2, CTS-3 and NTS, and controlling South Branch Park River CSOs S-19, S-21, S-23, S-24, S-25, S-26, S-27, S-28, S-29, and S-30 to a 1- year storm.
10. On or before December 31, 2028, the following project be completed per the Integrated Plan Implementation Phase I and as described in Appendix A, Table 1 of the consent order: South Hartford Conveyance and Storage Tunnel (SHCST) Contract 4, whether constructed wholly or as a sum of its parts in multiple Contracts. Milestone reached by December 31, 2028 include the elimination of Franklin Avenue Area CSOs to the Wethersfield Cove.
11. On or before December 31, 2029, the Respondent shall have completed construction of all recommended improvements of the Integrated Plan Implementation Phase I, as described in Appendix A, Table 1 of this consent order, and as may be modified by a Long-Term Control Plan Update as described in paragraph B.15.
12. On or before January 1 of each year subsequent to the issuance of this consent order, the Respondent shall submit a list of specific construction contracts for the next two consecutive calendar years for the Commissioner's review. The "Two Year Bid Schedule" shall list: the specific CSO related improvement, estimated costs, reasons for scheduling as proposed, specified construction contract bid dates, proposed construction completion dated. The "Two Year Bid Schedule" shall be based upon the general Integrated Plan Implementation Phase I outlined and amended with updated ending dates in Appendix A, Table 1 of this consent order, and as may be amended by the Long-Term Control Plan Update as described in paragraph B.15.
13. No less than 90-days prior to the respective bid dates, as specified in the "Two Year Bid Schedule" submitted pursuant to Paragraph B.12 above, for all CSO related construction contracts that comprise the Integrated Plan Implementation Phase I, the Respondent shall submit final

design documents to the Commissioner for final review and written approval. At a minimum, the final design documents shall contain:

- A. Plans, technical specifications and contract documents which describe the proposed contracts, noting any significant changes from the 30 percent design submitted.
- B. Demonstration of formal submittal of application(s) as required for all state and local permit approvals and related documents for respective project.

14. Within one year following every contract's substantial completion date, the Respondent shall submit final record drawings in an electronic format of completed works to the Commissioner to document formal compliance with this consent order.
15. Long-Term Control Plan Update. By December 31, 2027, the Respondent shall submit, for the Commissioner's review and approval, a Long-Term CSO Control Plan Update to demonstrate the Respondent's progress to date along with a proposed plan for the next phase of Integrated Plan Implementation for meeting 1-year storm level of CSO control as defined in Appendix B, Table 2 of this consent order -until such CSO control has been achieved. The Respondent shall make appropriate revision to such Long-Term CSO Control Plan Update to address comments made by the Commissioner as necessary to obtain DEEP approval. Each Long-Term CSO Control Plan Update shall at a minimum comply with the following:
 - A. The Long-Term CSO Control Plan Update shall be a stand-alone document that builds upon its predecessor.
 - B. Consistent with the requirements of paragraph B.4. of this consent order, the Long-Term CSO Control Plan Update shall include a public information process and provide an opportunity for receiving and responding to public comment.
 - C. The Long-Term CSO Control Plan Update shall demonstrate, to the Commissioner's satisfaction, the Respondent's plans for achieving a 1-year, level of CSO control (as defined in Appendix B and C) by the earliest feasible date, but no later than December 2059.
 - D. The Long Term CSO Control Plan Update shall include a new five-year CSO abatement construction schedule which shall be incorporated as an amendment to this consent order or into a subsequent consent order upon adoption by DEEP.
16. Any proposed modification of the activities specified in this consent order and the schedule of completion shall be submitted for review and approval, by the Commissioner as an amendment to this consent order and shall be accompanied by final conceptual design documents and affordability analyses to be supplied by the Respondent.

17. Progress Reports. On or before the last day of January of each year after the date of issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
18. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
19. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 60 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
20. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
21. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
22. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by

Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

23. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
24. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
25. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
26. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
27. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.

28. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
29. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
30. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
31. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by email the individual identified in Paragraph B.34 paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
32. Noncompliance. Failure to comply with this order may subject the Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
33. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Ann Straut, Sanitary Engineer 3
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Water Planning and Management Division
79 Elm Street

Hartford, Connecticut 06106-5127
ann.straut@ct.gov

The Metropolitan District consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind The Metropolitan District to the terms and conditions of the consent order.

The Metropolitan District

BY:

Scott W. Jellison
Chief Executive Officer

Date

Issued as a final order of the Commissioner of Energy and Environmental Protection that shall supersede Consent Order WC5434.

Graham J. Stevens
Bureau Chief, WPLR or new Dep Comm

Date

ORDER NO. COWRMU22002

APPENDIX A**TABLE 1: Integrated Plan Implementation Phase I Project List and Timeline**

| Area | CWP/IP Project | Description | Proposed Completion Date |
|-------------------------|--|---|--------------------------|
| North Branch Park River | Current CIP Sewer Rehab (in Bloomfield and North Branch Park River Area) | 15,000 total feet of rehabilitation in Bloomfield and Hartford | 2022 |
| North Branch Park River | North Branch Park River Drainage Study | Drainage study of the North Branch Park River | 2023 |
| North Branch Park River | I-4 (N-30) improvements | Rehabilitation of N-30 sewer | 2023 |
| North Branch Park River | NNBI Improvements | NNBI Replacement Pipe and N-22 regulator improvements (eliminating N-9 and N-10) | 2027 |
| North Branch Park River | Granby 7 Sewer Separation | Sewer Separation including sewer rehabilitation | 2028 |
| North Branch Park River | Bloomfield Styrene Rehab | Rehabilitation of 14,000 feet of sewers in Bloomfield | 2029 |
| North Branch Park River | Granby 8 Sewer Separation (design only) | Sewer separation, including sewer rehabilitation | 2029 |
| North Branch Park River | Granby 9 Sewer Separation (design only) | Sewer separation, including sewer rehabilitation | 2029 |
| North Branch Park River | HAI Improvements (design only) | Replacement of 4,600ft of Homestead Avenue Interceptor (HAI) (achieving 2-year level of control at N-4) | 2029 |
| Gully Brook | Current CIP Sewer Rehab (in Gully Brook area) | 15,000 total feet of rehabilitation in the Gully Brook Area of Hartford | 2022 |
| Gully Brook | Gully Brook Interceptor Area Large Diameter Rehab (part I) | 13,500LF of rehabilitation targeting the Gully Brook Interceptor | 2029 |

| | | | |
|------------------------------|---|--|------|
| Gully Brook | Gully Brook Interceptor Area Large Diameter Rehab (part II) | 13,500LF of rehabilitation targeting the Gully Brook Interceptor | 2029 |
| North Meadows | Tower Avenue Area Sewer Rehabilitation | Rehabilitation of Tower Ave sewershed | 2028 |
| Farmington and Park Street | N-12 Sewer Separation and CMOM | Sewer separation including sewer rehabilitation | 2029 |
| South Branch Park River | South Hartford Conveyance and Storage tunnel (SHCST) Contracts 2, 3 and 5 | Completion of the SHCST Contracts 2, 3 and 5 to control South Branch Park River CSO's S-19 through S-30 to 1-year storm and eliminate structural SSOs CTS-2, CTS-3 and NTS | 2026 |
| South Branch Park River | Cemetery Brook Area Large Diameter Rehab | 7,000 LF of rehabilitation targeting the Cemetery Brook Sewer Area | 2025 |
| South Branch Park River | Kane Brook (S-8 and S-13) | Sanitary sewer improvements for S-8 and S-13 | 2027 |
| Franklin Avenue | South Hartford Conveyance and Storage Tunnel (SHCST) Contract 4 | Completion of the SHCST Contract 4 (eliminate Franklin Ave CSOs to the Wethersfield Cove; F-26, F-27, F-28, F-29, F-30, F-32, and F-33) | 2029 |
| Park River and South Meadows | Current CIP Sewer Rehab (in Park River and South Meadows area) | 29,000 total feet of rehabilitation in Bloomfield and Hartford | 2022 |
| Park River & South Meadows | Farmington and Homestead Ave area Large Diameter Rehab | 7,000 LF of rehabilitation targeting the Farmington/Homestead Avenue Area | 2026 |
| Park River & South Meadows | 18-in to 21-in brick rehab | 52,000 LF of rehabilitation targeting 18 to 21 inch brick sewers in Hartford | 2025 |
| Park River & South Meadows | West Hartford SSES implementation contract 2012-59 | 56,000 LF of SSES recommendations in West Hartford | 2025 |

| | | | |
|----------------------------|-------------------|---|------|
| Park River & South Meadows | SM-2 Improvements | Replacement/rehabilitation of existing collection system gates and SM-2 | 2024 |
|----------------------------|-------------------|---|------|

TABLE 2: Summary Highlights of Phase I (2021 through 2029)

- Reduction of 97MG of CSOs in a typical year by 2029 (490MG to 393MG)
- 50% reduction of CSO regulators to North Branch Park River by 2027
- 13 CSO/SSO regulators eliminated.
- 17 CSO regulators obtaining 1-year level of control
- 340,000 linear feet of sewers rehabilitated

APPENDIX B**Table 1: Regulator Level of Control Summary**

| O Regulator | Level of Control | CSO Regulator | Level of Control | CSO Regulator | Level of Control | CSO Regulator | Level of Control |
|-------------|------------------|---------------|------------------|---------------|------------------|---------------|------------------|
| F-26 | Elimination | N-2 | Elimination | NM-14 | 1-year storm | P-29 | 1-year storm |
| F-27 | Elimination | N-4 | Elimination | P-1 | 1-year storm | S-3 | 1-year storm |
| F-28 | Elimination | N-9 | Elimination | P-2 | 1-year storm | S-8 | 1-year storm |
| F-29 | Elimination | N-10 | Elimination | P-3 | 1-year storm | S-10 | 1-year storm |
| F-30 | Elimination | N-12 | 1-year storm | P-4 | 1-year storm | S-12 | 1-year storm |
| F-32 | Elimination | N-14 | 1-year storm | P-5 | 1-year storm | S-13 | 1-year storm |
| F-33 | Elimination | N-22 | 1-year storm | P-9 | 1-year storm | S-14 | 1-year storm |
| G-2 | 1-year storm | N-23 | 1-year storm | P-10 | 1-year storm | S-15 | 1-year storm |
| G-8 | 1-year storm | N-24 | 1-year storm | P-11A | 1-year storm | S-16 | 1-year storm |
| G-9 | 1-year storm | N-25 | 1-year storm | P-12 | 1-year storm | S-19 | 1-year storm |
| G-10 | 1-year storm | N-28A | 1-year storm | P-13 | 1-year storm | S-21 | 1-year storm |
| G-11 | 1-year storm | N-28B | 1-year storm | P-14 | 1-year storm | S-23 | 1-year storm |
| G-12 | 1-year storm | N-29 | 1-year storm | P-15 | 1-year storm | S-24 | 1-year storm |
| G-13E | 1-year storm | N-30 | 1-year storm | P-15A | 1-year storm | S-25 | 1-year storm |
| G-13W | 1-year storm | NM-2 | 1-year storm | P-16 | 1-year storm | S-26 | 1-year storm |
| G-15 | 1-year storm | NM-3 | 1-year storm | P-16A | 1-year storm | S-27 | 1-year storm |
| G-17A | 1-year storm | NM-4 | 1-year storm | P-18 | 1-year storm | S-28 | 1-year storm |
| G-17B | 1-year storm | NM-5 | 1-year storm | P-19 | 1-year storm | S-29 | 1-year storm |
| G-19 | 1-year storm | NM-6 | 1-year storm | P-23 | 1-year storm | S-30 | 1-year storm |
| G-21 | 1-year storm | NM-7 | 1-year storm | P-24 | 1-year storm | SM-2 | 1-year storm |
| G-23 | 1-year storm | NM-10 | 1-year storm | P-26 | 1-year storm | | |

Table 2: 1-year storm Level of Control¹ for precipitation events, based on duration and quantity

| Duration | Depth (inches) |
|-----------|----------------|
| 15-minute | 0.56 |
| 30-minute | 0.75 |
| 1-hour | 0.94 |
| 2-hour | 1.22 |
| 3-hour | 1.40 |
| 6-hour | 1.75 |
| 12-hour | 2.12 |
| 1-day | 2.47 |
| 2-day | 2.80 |
| 3-day | 3.04 |
| 4-day | 3.26 |
| 7-day | 3.84 |
| 10-day | 4.43 |

¹ Respondent shall prevent CSOs from occurring from precipitation events less than or equal to the depths identified in Table 2

On motion made by Commissioner Sweezy and duly seconded, the report was received and resolution adopted by unanimous vote of those present.

THE METROPOLITAN DISTRICT V. STATE OF CONNECTICUT OFFICE OF CLAIMS
COMMISSIONER FILE NO. 25078

District Counsel Christopher Stone updated the Bureau of Public Works on this claim.
No action was taken.

TUNNEL CLAIM

At 5:53 PM, Chairman Richard Vicino requested an executive session to discuss the pending Tunnel Claim.

On motion made by District Chairman DiBella and duly seconded, the Bureau of Public Works entered into executive session to discuss the tunnel claim.

Those in attendance during the executive session:

Commissioners Andrew Adil, John Avedisian, Richard Bush, Donald Currey, David Drake, Joan Gentile (remote attendance), Allen Hoffman, Byron Lester (remote attendance), Maureen Magnan (remote attendance), Jackie Gorsky Mandyck, Dominic Pane, Bhupen Patel (remote attendance), Raymond Sweezy, Alvin Taylor, Calixto Torres, Richard W. Vicino and District Chairman William A. DiBella; Chief Executive Officer Scott W. Jellison, Chief Operating Officer Christopher Levesque, Chief Administrative Officer Kelly Shane, Director of Engineering Susan Negrelli, Director of Operations Dave Ruddy, Director of Facilities Tom Tyler, Manager of Engineering Services Jason Waterbury, Joe Laliberte of CDM Smith; Attorneys Christopher Stone and John S. Mirtle.

RECONVENE

At 6:44 PM, Chairman Vicino requested to come out of executive session and on motion made by Commissioner Sweezy and duly seconded, the Bureau of Public Works came out of executive session and reconvened. No formal action was taken.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Judy Allen, of West Hartford, asked for clarification about the CWP surcharge forecast by Lamont Financial.

ADJOURNMENT

The meeting was adjourned at 6:47 PM

ATTEST:

John S. Mirtle
District Clerk

Date of Approval