

**THE METROPOLITAN DISTRICT COMMISSION
PUBLIC HEARING**

555 Main Street
Hartford, Connecticut 06103
Wednesday, November 7, 2022

Present: Commissioners John Avedisian, John Gale, Peter Gardow, Joan Gentile, Allen Hoffman, Georgiana Holloway, Byron Lester, Diane Lewis, Jackie Mandyck, Dominic Pane, James Woulfe and Chairman DiBella

Remote

Attendance: Commissioner Richard Bush

Also

Present: Scott Jellison, Chief Executive Officer
Chris Stone, District Counsel
John S. Mirtle, District Clerk
Christopher Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer (Remote Attendance)
Robert Barron, Chief Financial Officer / Director of Finance
Sue Negrelli, Director of Engineering (Remote Attendance)
Robert Schwarm, Director of Information Technology (Remote Attendance)
Tom Tyler, Director of Facilities
Michael Curley, Manager of Technical Services
Carrie Blardo, Executive Assistant to the CEO (Remote Attendance)
Nick Salemi, Communications Administrator (Remote Attendance)
David Baker, IT Consultant (Remote Attendance)
Dylan Pecego, IT Consultant (Remote Attendance)
Julie Price, Executive Assistant
Joseph Szerejko, Independent Consumer Advocate (Remote Attendance)

The public hearing was called to order by District Chairman DiBella at 5:30 PM

Chairman DiBella read the following statement:

“This is a public hearing of The Metropolitan District. The District Board will receive public input on the proposed 2023 budget for The Metropolitan District, Water & Sewer Rates, and Revisions to Ordinances.”

“On October 28, 2022, the 2023 proposed budget was made publicly available and posted on www.themdc.org. At its October 3RD 2022 meeting, the District Board referred the proposed budget to the Board of Finance. A final decision on the 2023 proposed budget, rates and ordinances has yet to be made. The District Board will consider and

approve a final budget at its December 5, 2022 public meeting, and will take into account what is said at this hearing.”

John Mirtle, District Clerk, read the following into the record:

The following hearing notice was published in the Hartford Courant on October 28, 2022 and again on November 3, 2022; and the notice was filed, for public inspection, in the office of the town clerk in each municipality that is a member town of The Metropolitan District.

**NOTICE OF PUBLIC HEARING
OF THE METROPOLITAN DISTRICT
PROPOSED 2023 BUDGET, WATER & SEWER RATES AND
REVISIONS TO ORDINANCES
The Metropolitan District Board Room
555 Main Street, Hartford, Connecticut**

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, and Section 2-14 of the Compiled Charter of The Metropolitan District (“District”), the District will hold a public hearing on the proposed fiscal year 2023 budget, water and sewer rates, and revisions to the District’s ordinances. The hearing will be held at the Metropolitan District Board Room, 555 Main Street, Hartford, Connecticut, on **Monday, November 7, 2022 at 5:30p.m.**

Members of the public that would like to participate remotely may call into the public hearing at **(415) 655-0001 Access Code: 43808661#** or via Webex video link. It is encouraged that anyone from the public wishing to submit public comment on the budget, rates or ordinances do so by submitting written comments to DistrictClerk@themdc.com prior to the hearing. Comments received in advance of the public hearing will be available to District Commissioners during the public hearing and incorporated into the record. Submitting written comments does not prevent any member of the public from also speaking during the hearing.

The proposed fiscal year 2023 budget, rates and ordinance revisions are available for public inspection at www.themdc.org/budget or by request to DistrictClerk@themdc.com. Proposed changes to the following sections of the ordinances will be considered:

WATER SUPPLY ORDINANCES:

§ W1a “WATER USED CHARGE (TREATED WATER)”

§ W1f “SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT FOR CAPITAL IMPROVEMENTS”

SEWER ORDINANCES:

§ S1b “DEFINITIONS”

§ S2j “ENTRY FOR INSPECTION”

- § S2k “SUBMISSION OF PLANS FOR SAMPLING WELLS AND OTHER DEVICES”
- § S2n “USE OF STORM DRAINS”
- § S2p “USE OF AUXILIARY OR RELIEF DRAINS”
- § S2s “STATE OF CT GENERAL PERMIT FOR DISCHARGES FROM MISCELLANEOUS INDUSTRIAL USERS”
- § S2t “REQUIRED WASTEWATER DISCHARGE PERMIT(S)”
- § S2w “NEW OR MODIFIED STORM WATER (INFLOW) CONNECTIONS” (NEW)
- § S3s “MAINTENANCE OF SEWER CONNECTIONS”
- § S8a “AGREEMENTS WITH DEVELOPERS AUTHORIZED”
- § S12x “SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWER SYSTEM”

All interested parties from The Metropolitan District's member municipalities may appear to be heard.

John S. Mirtle, Esq.
District Clerk

John Mirtle, District Clerk, read the public hearing guidelines.

PUBLIC COMMENTS

Hartford Mayor Luke Bronin read from the following written comments:



Luke A. Bronin
Mayor

TESTIMONY **Submitted to the Metropolitan District Commission** **November 7, 2022**

Thank you for the opportunity to offer testimony regarding proposed revisions to the Metropolitan District Commission (MDC) Sewer Ordinance, as well as on the proposed budget of the MDC for 2023.

I am deeply concerned that, as currently drafted, the proposed Sewer Ordinance Revisions could present a major and potentially insurmountable obstacle to new economic development projects in Hartford, as well as additional MDC towns, by prohibiting the connection of any newly developed or re-developed properties to the MDC-owned sewer system.

The proposed MDC ordinance revision states that, “No new inflow sources or discharges shall be permitted to connect to a combined sewer or storm sewer tributary to a combined sewer.” As you know, the decades-long project to separate the MDC’s sanitary and stormwater sewers is only partially complete. In principle, virtually every street and property in Hartford is either connected directly to a combined sewer or a tributary to one.

As drafted, this provision would effectively ban any new development of property in Hartford that is not already developed, and it would arguably have the same effect upon our neighboring communities in Bloomfield, Newington and West Hartford – whose stormwaters flow into the MDC combined sewer system in Hartford.

Development could only occur if the developer, the City of Hartford, or some other party would agree to build, own and operate their own independent stormwater system—a demand that would make virtually any new construction in Hartford cost-prohibitive.

If passed, the ordinance would also give the MDC sole discretion to determine if a sewer permit will be re-issued for currently developed properties undergoing re-development (in contrast to new construction). As you may know, MDC staff have previously expressed opposition to allowing the former Westbrook Village properties, currently undergoing redevelopment in multiple phases, to reconnect to their sewer system. The MDC has declined to reconsider this position, even though the City and the Westbrook Village developer have demonstrated that the project would reduce the net inflow of waters into the sewer below the level previously permitted by the MDC.

Again, let me emphasize that as drafted, this new proposed sewer ordinance has the potential to obstruct development or re-development across the entire city, and likely in Bloomfield, Newington and West Hartford as well.

The MDC previously committed to work directly with the City and DEEP to address the issues of managing storm water and the sewer system, while allowing for ongoing development and redevelopment in the City – and in the MDC region. The proposed ordinance is not the product of collaboration, and I would ask that the MDC postpone consideration of this ordinance revision to afford all the interested parties an opportunity to meet and confer on a balanced approach.

Regarding the proposed budget for 2023, I am also concerned that the MDC has proposed imposing new charges on the City of Hartford for periodic maintenance of MDC-owned catch basins. The MDC has performed this cleaning of MDC-owned assets for almost a century, ever since the MDC took ownership of Hartford’s sewer system in the 1930’s. The proposed budget now envisions charging the City a fee of \$157.89 every time one of these catch basins is cleaned, which we estimate could impose total added costs of \$125,000 or more on the City each year.

MDC expressed concerns to the City earlier this year about the rising cost of cleaning catch basins, and we have been negotiating in good faith with the MDC to identify a mutually satisfactory solution to address those concerns. Yet by building this new cleaning fee into the

proposed 2023 budget, I am concerned that the MDC may be walking away from these discussions and the opportunity to arrive at a consensus solution to the issue.

For nearly a century, the City of Hartford and the Metropolitan District Commission have worked in partnership to provide for the water and sewer needs of our residents and businesses. It is critical that this spirit of mutual partnership continue. I would ask the Board and staff of the MDC for the opportunity to open a renewed dialogue with the City, and for good-faith meetings to resolve these issues for the benefit of all.

Thank you for the opportunity to offer this testimony. If you have any questions, or would like to discuss these matters further, please do not hesitate to contact me at any time.

**550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606**

Michael Looney, Director of Public Works for the City of Hartford, spoke in opposition to the drafted proposed sewer ordinances.

Judy Allen, of West Hartford, read from the following written comments:

Comments for Public Hearing
November 7, 2022

Thank you for the opportunity to provide comments regarding the proposed budget, and water and sewer rates. My comments will primarily be about the discounts provided again this year for Niagara.

At the beginning staff made a decision to entice Niagara to come here with discounts based on the assumption that giving them a break on the Clean Water Project (CWP) charge would make the cost of buying water more palatable.

Most commissioners knew nothing about the deal. In fact when the public finally knew, several commissioners said if they had known about it they wouldn't have supported it.

Public pressure forced the stop of the discounts. Then staff began calling it an economic development rate. Since then I don't remember any commissioner expressing opposition to the discounts. But only the name has changed.

When Niagara didn't immediately buy the amount of water hoped for, staff assumed it was lack of discounts and so 2 years ago commissioners voted to give them to Niagara.

Since the discounts went into effect in April 2020, the MDC has lost over \$1,033,000, the majority of which was for the CWP. That money has been a gift to Niagara, one they don't need. They are well established, making a profit, using what water they need and will continue to do so even without discounts.

Staff told commissioners if the promised discounts to Niagara are ended, the MDC will be seen as untrustworthy.

MDC customers need to trust that rates are set fairly. They need to trust that they don't have to pay more because MDC gives away revenue to one customer only.

While Niagara's discounts may have sounded like a good idea at the time, they were not well thought out. Circumstances have changed. It is no longer wise to continue giving Niagara a gift forever and leave other customers to pick up the slack. It has never been wise to keep losing revenue forever.

Now that Niagara has enjoyed 2 years of discounts it has become apparent that the amount of water Niagara buys has more to do with market conditions than it does with discounts for water and the CWP charge.

If the discounts are really an economic development rate, it has been a failure. No new industry has been attracted because of them. The discounts were specifically created for Niagara, hoping they will buy more water. This too this has been a failure. The amount of water Niagara buys is determined by market conditions, not discounts.

I really can't see how commissioners can justify continuing a rate for one customer only. To me it doesn't sound fair, it doesn't sound ethical, it doesn't sound wise.

I can see the value of an economic development rate that would actually entice the kind of development the member towns seek. Some potential developments might use large volumes of water but not enough to meet the threshold for discounts as they are now. As it stands, there is no incentive for any development other than water bottlers.

Economic development rates can be structured in many ways but all should eventually have an end point. Commissioners can begin this year to start decreasing the gift to Niagara so that they too will eventually pay the full amount, just as every other customer does.

I want to close by recognizing that commissioners have a huge responsibility, it's time consuming, you don't get paid, and you have to listen to people like me complain. I appreciate the work you do. Thank you.

Judy Allen

West Hartford

Michael Zaleski, CEO of Riverfront Recapture Inc, spoke in favor of the proposed 2023 budget including funding outdoor recreation at the MDC reservoirs and Riverfront Recapture.

Bridgitte Prince, of East Hartford, spoke on the following submitted written comments:

November 7, 2022

MDC PUBLIC COMMENT

VIOLATIONS THE CONSENT DECREE DATED MAY 9, 2006. FILED IN THE UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT, AUGUST 17, 2006

In accordance with the Consent Decree between the United States Environmental Protection Agency, and the Metropolitan District of Hartford (MDC), Case Number Case 3:06-cv-00728-PCD – the MDC has failed to comply with the below definitions and conditions set forth. However, the below violations are not the total sum of the neglectful actions of the MDC and the City of Hartford, CT. The violations are numbered as they appear in the Consent Decree which was provided to me by the EPA Office in Boston, MA.

1. "Building/Private Property Backup" shall mean any release of wastewater from the MDC's Sanitary Sewer System into buildings or onto private property, except a release that: (1) is the result of blockages, flow conditions, or malfunctions of a building lateral or other piping/conveyance system that is not owned or operationally controlled by the MDC, or (2) is the result of overland, surface flooding not emanating from the MDC's Sanitary Sewer System.

4. "Collection System" shall mean the sewage collection and transmission system (including all pipes, Force Mains, gravity sewer lines, lift stations, Pumping Stations, manholes, and appurtenances thereto) owned or operated by the MDC and designed to convey wastewater to any wastewater treatment facility ("WWTF") or to one or more points of discharge.

19. "Sanitary Collection System" shall mean the separate wastewater collection, storage, and transmission system (including all pipes, Force Mains, gravity sewer lines, lift stations, Pumping Stations, manholes, and appurtenances thereto) intended to carry only sewage from residences, commercial buildings, industrial buildings and institutions, which is owned or operated by the MDC.

20. "Sanitary Sewer Overflow," "SSO," and "Overflow" shall mean an overflow, spill, diversion, or release of wastewater from, or caused by, the MDC's Sanitary Collection System. This term shall include discharges to waters of the State or United States from the MD C's Sanitary Collection System, as well as any release of wastewater from the MD C's Sanitary Collection System to public or private property that does not reach waters of the

United States or the State, including Building/Private Property Backups.

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X. REPORTING

A. Beginning with the first quarter following the Date of Entry of this Consent Decree and each quarter thereafter for a four-year period until termination of the Decree, the

MDC shall submit on the thirtieth day of each month following the end of the quarter, a written report to EPA and CTDEP regarding the status of its compliance with Section VII (CWA Remedial Measures) of this Decree. After the four-year period, written reports shall be required semi-annually, within 30 days of June 30

and December 31st, until termination of the Decree.

The report shall contain a summary of the status and progress of all projects and programs required by Section VII (CWA Remedial Measures) of this Decree, including but not limited to:

1. A summary listing of all SSOs including Building/Private Property Backups that have occurred in the past quarter. This tabular listing should be organized chronologically by municipality and Sewershed and shall include the date of the SSO or Building/Private Property Backup incident, the location by address, source of notification (e.g., property owner, field crew, etc.); and the cause(s) of the Building/Private Property Backup.
2. A description of the activities undertaken during the reporting period directed at achieving compliance with this Consent Decree. A separate listing of all public and private Infiltration/Inflow source(s), organized by municipality and Sewershed, that were eliminated during the quarter, the date that they were eliminated, and the mechanism that was used to eliminate the source shall also be included in each quarterly report;
3. Identification of all plans, reports, and other deliverables required by this Consent Decree that the MDC completed and submitted during the reporting period, or failed to complete; and

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4. A description of the expected activities to be taken during the next reporting period in order to achieve compliance with this Consent Decree.

B. By January 30, 2007, and every 12 months thereafter until termination of this Decree, the MDC shall submit to EPA and CTDEP an Annual Report. The last quarterly report and the semi-annual report required in Sub-Section X.A may be combined with the Annual Report.

The Annual Report shall contain; a summary of compliance with and activities related to the projects scheduled under Section VII (CWA Remedial Measures) of this Decree and also:

1. A summary of Emergency Response Plan activities, including, but not limited to, the number of responses to Overflows and b) passes, the response times for each discharge and actions taken to clean and disinfect the discharge site.
2. A summary of the preventive maintenance activities undertaken by the MDC. This shall include information identifying the length of pipe segments that were inspected, cleaned, repaired or replaced and a summary of all Pumping Station and Force Main preventive maintenance activities for the year. Where available, maps shall be submitted documenting the information provided in the report.
3. The reporting requirements of Sub-Section X.A.

C. All reports required to be submitted in this section shall contain a certification signed by a duly authorized representative of the MDC. The certification shall read as described in Sub-Section XVII.B.

D. The reporting requirements set forth in this section do not relieve the MDC of its obligation to submit any other reports or information as required by state, federal or local law.

It is also the belief that these violations and neglectful acts are a direct result of environmental racism. With millions of dollars allocated to the City of Hartford and the MDC to address conditions through the CLEAN WATER ACT; many of the sewage and wastewater issues have not been corrected, or even addressed.

In recent years, there have been numerous news reports detailing the sewage and wastewater infrastructure, specifically in Hartford's North End. Furthermore, Mayor Luke Bronin has identified the problems in an October 29, 2021 Hartford Courant article. Blacks and Puerto Ricans have had to weather this preventable storm. In fact, residents view the perpetual as a blatant act of racism, as they watch human feces travel through basements.

Notwithstanding, Mayor Bronin has attributed the flooding to an outdated, decrepit, 100 year old sewage and wastewater system; as well as, climate change. He then revealed, that after consulting with MDC and DEEP, Mayor Bronin estimated that the total repairs would cost \$35 million dollars.

Herein lies the problem, none of the designated funds through the CLEAN WATER ACT, the COVID FUNDS, or the new \$580 million dollars of Infrastructure funding for wastewater water and sewage repairs, have been designated to corrupt the environmental racism in Hartford, Connecticut.

Thank you.

Bridgitte Prince
Bridgitteprince64@gmail.com

Independent Consumer Advocate Joseph Szerejko spoke on the proposed sewer ordinances stating it may stunt development in the City of Hartford. He urged the Board to reconsider the language in the ordinance changes. He also stated his concern over the charge for turning water service back on after termination from \$125 to \$170.

Howard G. Rifkin, City of Hartford Corporation Counsel, submitted the following written statement:

**TESTIMONY SUBMITTED TO MDC ON "PROPOSED REVISIONS TO SEWER ORDINANCES"
Corporation Counsel Howard G. Rifkin, City of Hartford
November 7, 2022**

The "Proposed Revisions to Sewer Ordinances" before you tonight is of great concern to the City of Hartford, and should be of concern to other member towns. It could well result in making development or redevelopment in Hartford either impossible, at worst, or, at best, cost-prohibitive. Having looked at the authority given to the District to adopt ordinances and the Special Acts of the General Assembly establishing the District, as well as its Charter, a case can be made that the District lacks the legal authority to enact many of the provisions found in this proposed ordinance.

Under the Special Act establishing the MDC in 1929, and under its adopted Charter, the newly established District in the early 1930's assumed legal control of the Hartford Water Commission and of Public Works, including responsibility for "sewage and drainage systems".

A 1982 memo from the City Department of Public Works describing, in part, the scope of the MDC authority stated, "sanitary sewers in Hartford and six surrounding towns and storm drains in Hartford are constructed and maintained by the MDC".

In 1985, a series of memos were written and analysis was done looking at how "Public Works might handle the responsibility for maintaining the separate storm water drainage system in Hartford if the MDC should turn that system over to the City of Hartford". That never happened.

In 1998, in correspondence to the City Manager of Hartford responding to concerns about the flooding problems in the area bounded by Albany Ave, Homestead Ave and Garden St., the District acknowledged the problem and clearly stated that it "has been attempting to identify the scope of any remedial work to be performed ... We have recommended that the District's 1999 Capital Improvement Program include funding in the amount of \$500,000 for the Upper Albany Sewer System Study. This study will be to identify and determine the cost of alternative solutions to the flooding problem of the area, and to lay the groundwork for future appropriations for actual construction to be performed". **In other words, MDC was taking ownership of the problem because it owned the sewage and drainage systems in Hartford pursuant to the Special Acts establishing the District in 1929.**

Now comes the proposed Ordinance before you which clearly would deny that MDC has any legal responsibility for the "construction and maintenance" of a sewer and water drainage system in Hartford that might require improvements and even construction in order to meet demand and environmental standards. In fact, it effectively tells the City and developers: no more, not our responsibility!

An argument can, in fact, be made that under its Special Acts and Charter, the District doesn't have the authority to adopt the proposed ordinance in the first instance. At a minimum, consideration of this ordinance should be postponed indefinitely to afford all relevant parties an opportunity to reach a compromise that would take into account environmental and public health concerns of managing storm water while not completely thwarting development and growth opportunities in the City of Hartford, and in other MDC communities.

In addition, and on another provision in the proposed ordinance, it is the case that responsibility for cleaning catch basins tied into the MDC system in Hartford and the disposal of the debris was borne by the MDC until 2015 when it started to bill the City for the "service". This coincided with the closing of the Hartford Landfill in which the debris was disposed of without cost to the District. The imposition of a fee by ordinance, and the

addition of estimated revenue from this “service” in the proposed budget belies the fact that the catch basins in question are owned by the District, not the City of Hartford.

Despite that, the City did make a proposal to the District to establish a cost sharing formula for cleaning the catch basins and the disposal of debris, as well as strategically placing collars around catch basins on some of the more well-travelled avenues in the City. We would urge striking this provision from the proposed ordinance in favor of negotiating and entering into an MOU with the City on this issue.

Respectfully Submitted,

Howard G. Rifkin
Corporation Counsel
City of Hartford

ADJOURNMENT

The public hearing was adjourned at 5:52 P.M.

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval