

8th ICA Quarterly Report for 2022-23 Term (Q4 2023)

Eighth Quarterly Report of the 2022-23 Independent Consumer Advocate (“ICA” or “Consumer Advocate”) for the Metropolitan District of Hartford County (MDC)

(Q4 2023: October 1, 2023 – December 31, 2023)

Introduction

This is the 2022-23 Consumer Advocate’s eighth quarterly report, which summarizes most work done in the fourth quarter of calendar year 2023 (October 1, 2023 – December 31, 2023). This is the final Quarterly Report for this ICA’s 2022-23 Term.

2023 ICA Annual Consumer Public Forum

The Consumer Advocate once again hosted his annual public forum for MDC customers on October 11, 2023 at the MDC’s Main Headquarters and via WebEx. A notable amount of work during this quarter entailed the ICA’s preparing for this forum.

Unfortunately, attendance by members of the public at this year’s forum was lower than it was in the prior year’s forum. Notwithstanding, there were several customers who attended remotely, and there were several MDC Officials—as well as at least one MDC Commissioner and the District Chairman—who attended the forum in person as well.¹ As in the previous year’s forum, the ICA summarized his work done over the course of calendar year 2023, and he briefly discussed some of the major policy issues that he observed in his work or that he thought deserved more attention by MDC Officials and Staff.

There was not much in terms of customer complaints or inquiries presented at the forum, largely due to low attendance. The ICA still wishes to thank the few members of the public who still attended this year’s forum, and he hopes that future forums will be better attended.

Review of Materials for 2024 Budget

The ICA reviewed materials for the MDC’s proposed budget for FY 2024 during this quarter. This took up the lion’s share of the Consumer Advocate’s work during Q4 2023. In connection with his review, the ICA undertook research of the MDC’s financial records, including those from previous budget years, in order to inform his positions on the proposed 2024 Budget. The MDC issued another round of general obligation (GO) bonds in 2023, so the ICA reviewed the District’s Official Bond Statement dated July 27, 2023, which contains a wide array of comprehensive financial information about the District’s operations and capital expenses, among other things. Notably, the ICA reviewed data in this Statement regarding MDC’s funding obligations with respect to the Ad Valorem, projects under the Clean Water Project and the Consent Order, OPEB and CBA-related matters, and other general debt-service obligations. In addition, the ICA reviewed and researched relevant publications associated with the following reports:

¹ The Consumer Advocate wishes to thank District Chairman DiBella, Commissioner Hoffman, District Clerk Mirtle and other District staff who were in attendance at the forum. Provided that customers are not somehow deterred from participating by their knowledge that MDC officials might attend—which may need to be researched in coming years—the ICA hopes that future forums will have some level of Commissioner and MDS staff participation. This is primarily because the ICA believes it is beneficial to foster this dialogue between MDC staff and the public, at least for purposes of giving the customers a direct audience.

8th ICA Quarterly Report for 2022-23 Term (Q4 2023)

- The MDC Annual Comprehensive Financial Report for FYE December 31, 2022 (issued on or about May 23, 2023);
- The S&P Global Ratings Summary Report (dated July 17, 2023) regarding the MDC’s GO bonds issued in 2023;
- The Moody’s Credit Opinion Report (dated July 17, 2023) regarding the MDC’s GO bonds; and
- Various guidelines and other written materials published by the American Water Works Association (AWWA).

Reading all of these in concert with the 2024 Proposed Annual Budget Book prepared by CFO Barron, CEO Jellison, and the Finance Staff was particularly helpful for the ICA during this budget cycle. There were no pressing concerns or issues that the ICA was able to identify in the materials—at least none that had not already been addressed—but had he had more time, the ICA may have looked further into the information contained within the Proposed 2024 Budget materials.

Comment on Integrated Plan Implementation Quarterly Report

The ICA had the opportunity to comment on the draft version of the MDC’s Integrated Plan Implementation Quarterly Report for Q3 2023. As discussed in the prior quarterly reports, the 2023 Consent Order now requires that MDC present these Quarterly Reports to members of the public, per Section B.4.a. of the Order (see [https://themdc.org/app/uploads/2023/12/Executed-Modified-Consent-Order-MDC-DEEP.pdf - DEEP.pdf](https://themdc.org/app/uploads/2023/12/Executed-Modified-Consent-Order-MDC-DEEP.pdf-DEEP.pdf), at p. 7 of 20).²

Many of the ICA’s comments on the draft Report that the ICA submitted to District Staff focused on making it more understandable or more informative to members of the public. The Report was finalized and presented to members of the public at a public meeting held on December 14, 2023.

MS4 Compliance and Stormwater Liability Issues with City of Hartford

An ongoing policy issue to which the ICA devoted increased attention during this quarter—which is essentially one and the same with the MDC’s obligations under the 2023 Consent Order—was the ongoing dispute between City of Hartford officials and MDC officials with respect to the municipalities’ respective responsibilities and allocation of resources when it comes to addressing compliance with the operative Municipal Separate Storm Sewer System (“MS4”) permit. Intertwined with this is addressing the significant public harms associated with street flooding in Hartford and around the MDC’s combined sewer system.

During this Quarter, EPA officials issued separate letters to the City (<https://www.epa.gov/system/files/documents/2024-02/epa-to-city-of-hartford-ms4-letter-2023-10-23.pdf>), and to the MDC (<https://www.epa.gov/system/files/documents/2024-02/epa-to-mdc-ms4-letter-2023-10-23.pdf>), each of which the ICA spent time reviewing and researching. The ICA also reviewed the Municipal NPDES Permit (Permit ID: CT 0100251) issued to the MDC by CT

² It appears that the MDC will be posting these Quarterly Reports and related information on the following page at the MDC’s website, titled “Integrated Plan Reporting Information”: themdc.org/integrated-plan-information/.

8th ICA Quarterly Report for 2022-23 Term (Q4 2023)

DEEP (the “NPDES Permit”), a Memorandum regarding the City of Hartford’s proposed Illicit Discharge Detection and Elimination (IDDE) program plan—which was presented to the City’s Common Council on November 13, 2023—as well as other records concerning the City’s and the MDC’s responsibilities under the MS4 Permit referenced in the EPA’s October 2023 letters.

In a related vein, the ICA reviewed some records from past meetings of the MDC’s District Board, the Bureau of Public Works, Board of Finance, and other Committees in order to better understand the background of the dispute. The ICA fully expects this to be one of the most important policy issues for future ICAs and for the MDC in general.

General Meeting Attendance

The ICA attended several public meetings held by the District Board, the BPW, Water Bureau, BOF, and other Committees, but increased attention was devoted to the BOF in light of the pendency of the proposed 2024 Budget during this most of this quarter. The ICA also obviously attended the Annual Consumer Public Forum, and he remotely attended the December 14, 2023 CT DEEP Quarterly Public Meeting held per the 2023 Consent Order.³ At the December 4, 2023 District Board meeting, the ICA announced that he would not be seeking reappointment for the 2024/2025 term.

General Customer Complaints and Inquiries

Although the ICA addressed customer complaints and inquiries on a limited basis during this quarter, he admittedly could not devote as much time and attention to this as he had in prior quarters. This was primarily due to his responsibilities with respect to the proposed 2024 Budget, the 2023 Consent Order, and transitioning to the next ICA, not to mention his non-MDC client matters. The few customer complaints and inquiries that the ICA was able to address in some manner primarily related to water damage caused to private property, leakage or flooding incidents related to MDC’s water or sewer mains, and an issue with a Hartford church customer who received a water-shutoff notice. Additionally, the ICA continued to monitor a Rocky Hill customer’s claim for water damage, for which the MDC’s Claims Department thankfully reimbursed the customer in December 2023. Finally, the ICA assisted one customer who brought a complaint about the MDC’s online bill payment software provider.

Transition

The ICA formally announced at the end of November/beginning of December that he would not be seeking reappointment as the ICA for the 2024/2025 term. As a result, he began spending some time in December 2023 helping District Staff and the Office of Consumer Counsel with trying to find applicants for the position. As of the end of calendar year 2023, however, no applicants had applied for the position.

³ The ICA unfortunately could not attend this meeting in person because on that same day, he had to appear on behalf of one of his firm’s clients in litigation matter pending in New London Superior Court at the time.

8th ICA Quarterly Report for 2022-23 Term (Q4 2023)

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Szerejko', is positioned below the text 'Respectfully submitted,'.

Joseph D. Szerejko
Independent Consumer Advocate (2022-23)