



**BUREAU OF PUBLIC WORKS  
SPECIAL MEETING  
MONDAY, MARCH 3, 2025  
4:45 PM**

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**Location**

Board Room  
District Headquarters  
555 Main Street, Hartford

**Commissioners**

Avedisian	Holloway
Bazzano	Johnson
Bush	Lester
Currey (Ex-Officio)	Magnan
DiBella	Patel
Drake	Salemi
Gale	Steuber
Gentile	Taylor
Healy	Torres (VC)
Hoffman (C)	Woulfe

Dial in #: (415)-655-0001  
Access Code: 2309 049 9114#

[Meeting Video Link](#)

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**Quorum: 10**

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1. **CALL TO ORDER**
2. **PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS**
3. **INDEPENDENT CONSUMER ADVOCATE COMMENTS & QUESTIONS RELATIVE TO AGENDA ITEMS**
4. **APPROVAL OF MEETING MINUTES OF JANUARY 13, 2025**
5. **CONSIDERATION AND POTENTIAL ACTION RE: DECLARING PIERSON LANE FINAL ASSESSMENTS DUE & PAYABLE**
6. **DISCUSSION AND POTENTIAL ACTION RE: DRAFT ORDINANCE RE: MEMORANDUM OF UNDERSTANDING WITH CITY OF HARTFORD ON CT DEEP GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**
  - A. **REFERRAL OF DRAFT ORDINANCE TO COMMITTEE ON MDC GOVERNMENT**
7. **OPPORTUNITY FOR GENERAL PUBLIC COMMENTS**
8. **COMMISSIONER REQUESTS FOR CONSIDERATION OF FUTURE AGENDA ITEMS**
9. **ADJOURNMENT**

**PIERSON LANE, WINDSOR – FINAL ASSESSMENT**

To: Bureau of Public Works for consideration on March 3, 2025

On February 17, 2016, the District Board of The Metropolitan District Commission passed a layout and schedule of assessment for construction of a sanitary sewer in a portion of Pierson Lane, Windsor, CT. Construction of sanitary sewers and appurtenances in all or portions of PIERSON LANE, WINDSOR, have been completed and house connections authorized. In accordance with Bureau of Public Works policy, the assessments will be billed on or about April 1, 2025.

On November 6, 2024, the District Board of The Metropolitan District voted to defer the assessment of 109 Pierson Lane until such time as the property connects to the District’s sewer.

It is therefore RECOMMENDED that it be

**Voted:** That the assessments for the construction of sanitary sewers and appurtenances in a portion of PIERSON LANE, Windsor are declared due and payable to the Assessable Sewer Fund; to direct the District Clerk to publish same on a date to be fixed in a conference with the Treasurer; and to direct the District Clerk to file liens to secure any and all assessments or parts thereof which remain unpaid within the time limit set by law.

**FINAL DIRECT ASSESSMENTS**

<u>Property now or Formerly of</u>	<u>Number</u>	<u>Inlets</u>	<u>Frontage</u>	<u>(Adjusted)</u>	<u>Dwelling Units</u>	<u>Acreage</u>	<u>Assessment</u>
<b><u>PIERSON LANE – NORTH</u></b>							
Windsor Business Bays LLC	77	2	150.00		1	.92	\$19,823.40
Lindave Associates	97	1	244.75	(290.00)	0	1.74	\$31,150.80
Vintage Radio & Communications Museum	115	1	190.00		0	1.97	\$27,712.90
<b><u>PIERSON LANE – SOUTH</u></b>							
Richard Havunen	88	1	404.00	(250.00)	0	1.51	\$27,112.70
<b>Total Direct Assessments</b>							<b>\$165,018.90</b>

Respectfully submitted,  
  
 John S. Mirtle, Esq.  
 District Clerk

SEC S2w      STATE OF CT GENERAL PERMIT FOR DISCHARGE OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

No person or property owner shall, without the express consent of the District, discharge or permit to be discharged, directly or indirectly, from any premises under his/her control into any District owned or controlled storm sewer or combined sewer any discharge of stormwater that is subject to the State of Connecticut Department of Energy & Environmental Protection's ("CT DEEP") General Permit for Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 General Permit"). The MS4 General Permit, issued pursuant to Connecticut General Statutes, Section 22a-430b, authorizes the discharge of stormwater and specific non-stormwater discharges from or associated the MS4 General Permit. The implementation of the MS4 General Permit is detailed within the terms and conditions of a Memorandum of Decision ("MOU") dated January 14, 2025 by and between the District and the City of Hartford ("COH") , as may be amended. The MOU sets forth the terms, conditions, and specific obligations under which the MDC and COH will comply with and enforce MS4 General Permit, as may be amended. Both the MOU and the MS4 permit are incorporated by reference herein, and are available to the public on the District website. Any express consent by the District to discharge as required above shall be consistent with the terms and conditions of the Memorandum of Decision ("MOU") dated January 14, 2025 by and between the District and the City of Hartford ("COH") , as may be amended.

DRAFT

**BUREAU OF PUBLIC WORKS  
SPECIAL MEETING**

555 Main Street, Hartford  
January 13, 2025

**Present:** Commissioners John Bazzano, Richard Bush, William DiBella, John Gale, Allen Hoffman, Jean Holloway, Gary Johnson, Byron Lester, Pasquale J. Salemi, Alvin Taylor, James Woulfe and District Chairman Donald Currey (12)

**Remote**

**Attendance:** Commissioners Joan Gentile, Maureen Magnan, Bhupen Patel and David Steuber (4)

**Absent:** Commissioners John Avedisian, David Drake, James Healy, and Calixto Torres (4)

**Also**

**Present:** Commissioner Andrew Adil  
Commissioner Dimple Desai (Remote Attendance)  
Commissioner Peter Gardow (Remote Attendance)  
Commissioner Diane Lewis  
Commissioner Jackie Mandyck  
Commissioner Dominic Pane  
Scott W. Jellison, Chief Executive Officer  
Christopher Stone, District Counsel  
John S. Mirtle, District Clerk (Remote Attendance)  
Christopher Levesque, Chief Operating Officer  
Kelly Shane, Chief Administrative Officer  
Sue Negrelli, Director of Engineering  
Jason Waterbury, Senior Project Manager  
Carrie Blardo, Assistant to the Chief Executive Officer  
Julie Price, Executive Assistant  
Elizabeth Tavelli, Independent Consumer Advocate

**CALL TO ORDER**

The meeting was called to order by Chairperson Hoffman at 7:52 PM

**APPROVAL OF MEETING MINUTES**

***On motion made by Commissioner DiBella and duly seconded, the meeting minutes of November 18, 2024 were approved.***

**BUREAU OF PUBLIC WORKS  
MODIFICATION OF 2006 EPA CONSENT DECREE**

To: Bureau of Public Works

January 13, 2025

In 2006, the District entered into a Consent Decree with the United States Environmental Protection Agency to implement actions to abate overflow from sanitary sewers throughout the District. On January 4, 2013, the EPA and CT DEEP approved the District's Sanitary Sewer Evaluation Survey Report ("SSES Report") Implementation Schedule which established a schedule to eliminate structural sanitary sewer overflows ("SSOs"). Five of the eight Structural SSOs have already been eliminated through a combination of the reduction of stormwater and groundwater I/I into separated sewers, improvement of conveyance capacity, and the expansion of wet weather treatment capacity. The approved SSES Report Implementation Schedule required completion of the South Hartford Conveyance and Storage Tunnel by January 3, 2023. The Parties anticipate that completion of this tunnel will provide enough additional sewage conveyance capacity to eliminate the remaining Structural SSOs. In a letter dated October 30, 2015, EPA and CT DEEP approved a one-year extension for the completion of the South Hartford Conveyance and Storage Tunnel, from January 3, 2023, to January 3, 2024. On June 30, 2022, the MDC submitted a request to extend the schedule for completing the South Hartford Conveyance and Storage Tunnel due to delays in completing the contract to construct the primary tunnel, ultimately requesting to extend the deadline to December 31, 2026. The proposed First Modification to 2006 Consent Decree will extend the deadline to December 31, 2026.

In addition to extending the deadline for completion of the South Hartford Conveyance and Storage Tunnel, the proposed First Modification to 2006 Consent Decree incorporates a schedule to complete inflow and infiltration projects to reduce inflow and infiltration into the District's sewer system.

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 execute the First Material Modification to 2006 Consent Decree with the United States Environmental Protection Agency attached hereto.

Respectfully submitted,

  
John S. Mirtle  
District Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

_____	)	
UNITED STATES OF AMERICA, and	)	
STATE OF CONNECTICUT,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.: 3:06cv-728(PCD)
	)	
	)	
v.	)	
	)	
THE METROPOLITAN DISTRICT OF	)	
HARTFORD, CONNECTICUT	)	
	)	
Defendant.	)	
_____	)	

**FIRST MATERIAL MODIFICATION TO 2006 CONSENT DECREE**

WHEREAS, The Metropolitan District of Hartford, Connecticut (the “MDC”) is a public not-for-profit municipal corporation chartered by the Connecticut General Assembly in 1929 to provide potable water and sewer systems to the Hartford area;

WHEREAS, the Plaintiff, the United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“EPA”), filed a Complaint on May 11, 2006, alleging that the MDC violated Section 301(a) of the Clean Water Act (“Act” or “CWA”), 33 U.S.C. § 1311(a);

WHEREAS, the State of Connecticut (the “State”), on behalf of the predecessor to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”), joined as a Plaintiff-Intervenor;

WHEREAS, on August 17, 2006, this Court entered a Consent Decree resolving the allegations in the Complaint (the “2006 Consent Decree” or “CD,” ECF No. 15-8);

WHEREAS, the MDC has implemented a number of projects and measures pursuant to the 2006 Consent Decree but has not yet completed all required projects;

WHEREAS, the 2006 Consent Decree specified that the Court retains jurisdiction for the purpose of enforcing and modifying the 2006 Consent Decree;

WHEREAS, for the reasons set forth in detail below, this First Material Modification to the 2006 Consent Decree (“First Modification”) provides for the following: (i) extension of the deadline for eliminating structural sanitary sewer overflow (“SSO”) outfalls from January 3, 2023 to December 31, 2026 and (ii) incorporation of a schedule to complete Inflow and Infiltration elimination projects (“I/I projects”);

WHEREAS, the below facts support modifying the 2006 Consent Decree to extend the deadline for eliminating structural SSO outfalls:

- The 2006 Consent Decree requires the MDC to eliminate all SSO outfall discharges from the MDC’s Collection System serving Newington and West Hartford no later than 10 years from the date of EPA’s and CT DEEP’s approval of the Sanitary Sewer Evaluation Survey Report Implementation Schedule (“SSES Report Implementation Schedule”). *See* CD Section VII.J.
- On January 4, 2013, EPA and CT DEEP approved the SSES Report Implementation Schedule, which established an implementation schedule to eliminate the structural SSO outfalls.
- Five of the eight structural SSO outfalls have already been eliminated through a combination of the reduction of stormwater and groundwater I/I into separated sewers, improvement of conveyance capacity, and the expansion of wet weather treatment capacity.
- The approved SSES Report Implementation Schedule required completion of the South Hartford Conveyance and Storage Tunnel by January 3, 2023. The Parties anticipate that completion of this tunnel will provide enough additional sewage conveyance capacity to eliminate the remaining structural SSO outfalls.

- In a letter dated October 30, 2015, EPA and CT DEEP approved a one-year extension for the completion of the South Hartford Conveyance and Storage Tunnel, from January 3, 2023, to January 3, 2024.
- On June 30, 2022, the MDC submitted a request to extend the schedule for completing the South Hartford Conveyance and Storage Tunnel due to delays in completing the contract to construct the primary tunnel, ultimately requesting to extend the deadline to December 31, 2026

WHEREAS, based on the circumstances described above, the Parties agree that the 2006 Consent Decree deadline for eliminating structural SSO outfalls should be modified—from January 3, 2023 to December 31, 2026—to provide additional time to complete construction of the projects designed to eliminate the remaining structural SSO outfalls.

WHEREAS, the below facts support the incorporation of a schedule to complete I/I projects:

- Inflow and Infiltration (“I/I”) is the process of water from sources other than domestic wastewater entering sanitary sewers. I/I causes dilution in sanitary sewers, which decreases the efficiency of treatment, and may cause SSOs.
- The 2006 Consent Decree requires the MDC to submit proposed control projects to reduce I/I. *See* CD Section VII.I. These projects are to be submitted in Sewer System Evaluation Survey Reports (“SSES Reports”) to EPA and CT DEEP for approval. *See* CD Section VII.H. Upon EPA and CT DEEP’s approval of the SSES Report, the MDC shall implement the recommendations of the SSES Report in accordance with the schedule included in the SSES Report. *See* CD Section VII.J.
- On January 4, 2013, EPA approved I/I projects contained in three SSES Reports submitted by the MDC and made the schedules enforceable under the 2006 Consent Decree.
- The three approved SSES Reports provided recommendations to alleviate local SSO concerns and to provide for a 10% reduction in I/I in areas of the Collection System contributing to SSOs.
- On June 30, 2015, the MDC submitted a “2015 SSO Program Master Plan” that provided a list of 15 I/I projects that incorporated the schedules and 10% I/I reduction in the three approved SSES Reports.



- Under the 2015 SSO Program Master Plan, the 15 I/I projects are estimated to cost of approximately \$136 million in total and are scheduled to be completed by the end of calendar year 2022.
- In December 2018, pursuant to a 2006 administrative Consent Order with CT DEEP, the MDC submitted an Integrated and Long-Term Control Plan (“Integrated Plan”) to CT DEEP to address sewage overflow and other sewer collection system needs.
- The MDC updated the Integrated Plan in May 2020, providing for reprioritization of many I/I projects included in the 2015 SSO Program Master Plan.
- On August 31, 2022, the MDC submitted a request to EPA to extend the schedule for six of the I/I projects described in the 2015 SSO Program Master Plan, to be completed by the end of calendar year 2045, rather than 2022.
- On September 19, 2022, the MDC and CT DEEP entered into an administrative Consent Order (“2022 Consent Order”) memorializing select projects described in the Integrated Plan to be completed by the end of calendar year 2029.
- On July 24, 2023, the MDC and CT DEEP modified the 2022 Consent Order to prioritize projects in northern Hartford. EPA supported this modification to benefit those communities.
- Since 2005 to present, MDC has spent over \$1.2 billion in removing 550 million gallons (from an annual average CSO volume of 1,040 million gallons) of CSOs from its collection system. These improvements include upgrading the Hartford Wastewater Treatment Plant, rehabilitation of over 700 acres consisting of sewer separation, lining and cleanout work to create capacity, cleaning out pipes to remove residue, and re-lining old pipes to be more hydraulically sealed. This work also includes the installation of more than 25 miles of new sanitary sewer and drain pipes.
- On May 24, 2024, the MDC submitted a copy to EPA of a memorandum from the MDC’s engineering contractor, CDM Smith, entitled “SSO Elimination Master Plan Status Update” describing the remaining projects planned pursuant to the Sewer System Evaluation Survey Scope of Work required by Section VII.H of the 2006 Consent Decree.
- The Parties have reviewed the SSO Elimination Master Plan Status Update and agree to the updated implementation schedule provided in Table 2 of Appendix A of this First Modification.

WHEREAS, based on the circumstances described above, the Parties agree that the 2006 Consent Decree should be modified to incorporate a schedule for the completion of the I/I projects required by Section VII.J of the 2006 Consent Decree, as specifically described in the SSO Elimination Master Plan Update;

WHEREAS, Section XXI.A of the 2006 Consent Decree provides that “[a]ny material modification to the terms of this Consent Decree shall be by written agreement of the Parties and approval of the Court;”

WHEREAS, the Parties have agreed that pursuant to Section XXI.A of the 2006 Consent Decree, the proposed modifications as set forth herein constitute material modifications to the 2006 Consent Decree, which require written approval of the Parties and approval of the Court;

WHEREAS, the Parties recognize, and the Court by entering this First Modification finds, without admission of facts or law except as expressly stated herein and without admission of liability by the MDC, that this First Modification has been negotiated at arms-length and in good faith and that this First Modification is fair, reasonable, and in the public interest, and that entry of this Consent Decree without further litigation is an appropriate resolution of the disputes.

NOW, THEREFORE, upon the consent of the Parties, it is hereby ordered, adjudged, and decreed as follows:

#### **MODIFIED CONSENT DECREE PROVISIONS**

1. The 2006 Consent Decree shall remain in full force and effect in accordance with its terms with the exception of the revisions to the numbered Paragraphs below which correspond to the Paragraph numbering of the 2006 Consent Decree:

Section VII.J shall be amended as follows:

The MDC shall implement the projects listed in Table 2 of Appendix A of the First Material Modification to this Consent Decree according to the schedule provided, in which all I/I projects are completed by no later than the end of 2040.

By December 31, 2028, the MDC shall provide to EPA and CTDEEP, either as an update to its CSO Long Term Control Plan/Integrated Plan or as a separate document, specific starting and completion dates for the projects described in Table 2 of Appendix A, subject to Review and Approval under Part VI of the Consent Decree, and implement them upon submission, subject to any changes as a result of the Review and Approval process.

Section VII.K.2 shall be amended as follows:

2. Newington and West Hartford. All Structural SSO outfall discharges from the MDC's Collection System serving Newington and West Hartford (i.e., Hartford Avenue Siphon Overflow Chamber, Hillcrest Overflow Chamber, Center Trunk Overflow to Trout Brook (CTS-2), and Center Trunk Overflow at Talcott Street (CTS-3)) shall be eliminated by December 31, 2026.

2. The Effective Date of this First Modification shall be the date upon which this First Modification is entered by the Court or a motion to enter this First Modification is granted, whichever occurs first, as recorded on the Court's docket.

3. The Court shall retain jurisdiction to modify and enforce the terms and conditions of the 2006 Consent Decree and this First Modification, and to resolve disputes arising hereunder as may be necessary or appropriate for the construction or execution of the 2006 Consent Decree and this First Modification.

4. This First Modification shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments received disclose facts or considerations that indicate that this First Modification is inappropriate, improper, or inadequate. The MDC consents to the entry of this First Modification without further notice and agrees not to withdraw from or oppose entry of this First Modification by the Court or to

challenge any provision of this First Modification, unless the United States has notified the Parties in writing that it no longer supports entry of this First Modification.

5. Each undersigned representative certifies that he or she is fully authorized to enter into the terms and conditions of this First Modification and to execute and legally bind the Party he or she represents to this document.

6. This First Modification may be signed in counterparts, and its validity shall not be challenged on that basis.

7. This First Modification, in conjunction with the 2006 Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied in this First Modification.

APPROVED AND ENTERED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE  
District of Connecticut

FOR THE UNITED STATES OF AMERICA:

TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

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KATHERINE M. ROMERO  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20044-7611  
(202) 514-2746

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Date

FOR THE UNITED STATES OF AMERICA, continued:

VANESSA ROBERTS AVERY  
United States Attorney District of Connecticut

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ANNE F. THIDEMANN  
Assistant United States Attorney  
Federal Bar No. ct28028  
1000 Lafayette Boulevard  
Bridgeport, Connecticut 06604  
(203) 696-3000 (phone)  
(203) 579-5575 (fax)  
Anne.Thidemann@usdoj.gov

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Date

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

\_\_\_\_\_  
JOSEPH G. THEIS  
Acting Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

\_\_\_\_\_  
Date

\_\_\_\_\_  
HANNAH C. ANDERSON  
Attorney-Advisor  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

\_\_\_\_\_  
Date

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, continued:

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CARL DIERKER	Date
Regional Counsel	
United States Environmental Protection Agency, Region 1	
5 Post Office Square, Suite 100	
Boston, Massachusetts 02109-3912	

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JEFF KOPF	Date
Senior Enforcement Counsel	
United States Environmental Protection Agency, Region 1	
5 Post Office Square, Suite 100	
Boston, Massachusetts 02109-3912	



FOR THE STATE OF CONNECTICUT:

WILLIAM TONG  
Attorney General

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DANIEL M. SALTON  
Assistant Attorney General  
Office of the Attorney General  
165 Capitol Avenue  
Hartford, Connecticut 06106

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Date

FOR THE METROPOLITAN DISTRICT OF HARTFORD, CONNECTICUT

\_\_\_\_\_  
SCOTT JELLISON  
Chief Executive Officer  
The Metropolitan District  
555 Main Street  
Hartford, Connecticut 06104

\_\_\_\_\_  
Date

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

**BUREAU OF PUBLIC WORKS  
MODIFICATION OF CT DEEP CONSENT ORDER #COWRMU22002**

To: Bureau of Public Works

January 13, 2025

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.

On September 19, 2022, the District and CT DEEP executed a new 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 was concluded as to the de-authorized projects. In July 2023, the 2022 Consent Order (#COWRMU22002) for the Integrated Plan Implementation Phase I was modified to incorporate sewer mitigation projects within the public right-of-way and on private property, including private stormwater disconnections and house connections ("lateral") repair or replacement. These revisions help mitigate combined sewer overflows and protect public health and safety in the communities with combined sewers.

In September 2024, the District submitted a request to CT DEEP for a modification of the schedule contained in Consent Order #COWRMU22002 for extensions of three milestones of projects listed in Table 1 of Appendix A of the Consent Order:

1. "Expedited Sewer Separation Contracts (in Public Right-of-Way or ROW)" to a revised final completion date of July 1, 2026 – 18-month extension;
2. "Expedited Sewer Separation Contracts (Private)" to a revised final completion date of July 1, 2027 – 18-month extension; and
3. Large Diameter Sewer Rehabilitation Phase 3A (aka 18" – 21" Brick Rehabilitation) to a revised final completion date of Part 2 by July 1, 2026 – 6-month extension.

CT DEEP agreed to the extensions and issued a modification to Consent Order #COWRMU22002 for execution by the District.

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 execute the Consent Order #COWRMU22002 Modification with the State of Connecticut Department of Energy & Environmental Protection attached hereto.

Respectfully submitted,



John S. Mirtle  
District Clerk



portal.ct.gov/DEEP

STATE OF CONNECTICUT  
V.  
THE METROPOLITAN DISTRICT

#### CONSENT ORDER MODIFICATION

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"). In addition, during wet weather events that result in private property flooding, such sewers can cause sanitary sewage backups. 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 affordability, and engineering factors, and associated sequencing of projects for the period from 2021 to 2029, inclusive. Such report informed the requirements of DEEP's Consent Order No. COWRMU22002 issued on September 11, 2022 ("2022 Consent Order"). The project "Park River & South Meadows, Current CIP Sewer Rehab (in Park River & South Meadows' [29,000 total feet of rehabilitation in Bloomfield and Hartford] required by such order was completed on June 30, 2022.
22. In response to requests from EPA and DEEP dated March 8, 2023 & March 10, 2023, on June 7, 2023, the Respondent submitted a plan proposing revisions to the actions and schedule, as identified in Appendix A and Appendix C, required by the 2022 Consent Order for the Integrated Plan Implementation Phase I. This submittal proposes sewer mitigation projects within the public right-of-way and on private property, including private stormwater disconnections and house connections ("lateral") repair or replacement. These revisions are being proposed to mitigate combined sewer overflows and to protect public health and safety in the communities with combined sewers. Respondent's June 7, 2023 submittal is hereafter referred to as "the "2023 Integrated Plan Implementation Phase I."
23. On September 9, 2024, the Respondent submitted a request for modification proposing revisions to the schedule identified in Table A, of the 2022 Consent Order ("**TABLE 1: 2023 Integrated Plan Implementation Phase I, Project List and Timeline**"). Specifically, the MDC requested schedule extensions for:
  - a. "Expedited Sewer Separation Contracts (in Public Right-of-Way or ROW)" to a revised final completion date of July 1, 2026 (18-month extension);
  - b. "Expedited Sewer Separation Contracts (Private)" to a revised final completion date of July 1, 2026 - 18-month extension; and
  - c. "Large Diameter Sewer Rehabilitation Phase 3A" (aka 18" - 21" Brick Rehabilitation) to a revised final completion date of Part 2 by July 1, 2026 - 6-month extension.





- d. Furthermore, while the MDC did not request an extension of the milestone for the “Blue Hills Granby Drainage Study” (previously identified as the North Branch Park River Drainage Study, aka “the Drainage Study”), the Department has deemed a milestone extension is appropriate to allow the completion of the full suite of actions identified in the Scope of the Drainage Study.

- 24. 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:

Implement the 2018 IP/LTCP, including the specific actions outlined in the 2023 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. Completing a Controls Strategy Plan for the Operation of the South Hartford Conveyance and Storage Tunnel (SHCST) by December 31, 2025. This Plan shall look at opportunities to maximize the use of the SHCST as constructed by SHCST Contracts 1, 2, 3 & 5 in controlling and reducing SSOs and CSOs, respectively;
- iii. On or before December 31, 2026, Respondent shall control structural SSOs CTS-2, CTS-3 and NTS in accordance with the Respondent’s Consent Decree, and control 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;
- iv. Completing a Drainage Study/Sewer Separation Preliminary Design for the elimination of remaining Wethersfield Cove CSOs, including CSOs to Folly Brook, by December 31, 2027. This Study will identify all work required to achieve elimination of remaining Wethersfield Cove CSOs via sewer separation and/or drainage system improvements; and
- v. Eliminate 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 (v), 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 2023 Integrated Plan Implementation Phase I, as amended by this consent order, 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 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 and the 2023 Integrated Plan Implementation Phase I, as amended by this consent order, has been achieved.
2. The Respondent shall initiate engineering and related construction contracts to implement the 2023 Integrated Plan Implementation Phase I at a minimum average annual expenditure rate which is consistent with the Respondent's affordability analysis to implement such Plan and at 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 IP/LTCP updates. Furthermore, for future IP/LTCP phases, the Commissioner anticipates annual expenditure rates will increase with the specific rate to be identified in the IP/LTCP Update required by section B.12 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 2023 Integrated Plan Implementation Phase I. Within ten days after retaining any consultant(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. On or before January 1, 2024 and until full compliance with this consent order has been achieved, the Respondent shall conduct public information and outreach as follows:
  - a. On or before January 31st after the issuance of this consent order and quarterly thereafter, conduct a meeting outside of typical business hours (8:00 am to 5:00 pm) for the general public that presents: 1) an update on projects completed and under construction, 2) a schedule for projects under construction or yet to start construction, 3) a status of use of minority and disadvantaged business enterprises, including efforts and success at recruiting labor and contractors from the area where projects are or will be occurring under this consent order, and 4) other items as requested by the Commissioner. Notice of each quarterly meeting, including the date, time, location, and agenda for the meeting, along with any supporting materials, shall be posted on Respondent's website at least 30 days prior to such meeting. The annual meeting required by paragraph B.4.c of this consent order shall constitute the second quarterly meeting of each year. Quarterly meetings may be suspended upon the Respondent's written request and written approval by the Commissioner.
  
  - b. On or before March 1st after the issuance of this consent order and annually thereafter, post on its website an annual update and proposed projects report, which tracks the status of each implementation plan action in the 2023 Integrated Plan Implementation Phase I, as amended by this consent order, and proposes projects to improve the sewerage



system in the upcoming year that are not specified in this consent order for public review and comment. Such website update and report shall be in a format different than the required annual reports submitted to the Commissioner in accordance with paragraph B.19 of this consent order and shall:

- i. Consist of a user-friendly presentation of information in non-technical, Layman's terms (with a general public audience in mind) regarding the status and progress of the 2023 Integrated Plan Implementation Phase I, as amended by this consent order;
- ii. For the 2023 Integrated Plan Implementation Phase I, clearly identifies which specific actions/projects are to be implemented in each calendar year and the associated timeframe for completion; the neighborhood of each proposed action/project as well as the short-term impacts and the long-term benefits to the community, and the funding sources for future implementation actions;
- iii. Include a summary of additional projects proposed to be completed in the upcoming year that improve the sewerage system and are not specified in Appendix A of this consent order;
- iv. Include a summary of actions taken to utilize minority and disadvantaged business enterprises, including efforts and success at recruiting labor and contractors from the area where projects are or will be occurring under this consent order;
- v. Include a summary of projects completed in the previous calendar year pursuant to the 2022 Consent Order and this consent order, 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.32. of this consent order;
- vi. Include updates and estimates for incremental achievements in CSO reductions of each project;
- vii. Include a contact number, prominently displayed on its website, for community members to contact the Respondent



regarding questions and/or concerns regarding the work associated with the 2023 Integrated Plan Implementation Phase I;

- viii. Include an advertisement, consisting of a posting notice of such update and proposed projects report prominently on Respondent's webpage and social media and appearance of a notice in newspapers of general circulation in Respondent's service area, identifying means of commenting on such report, which notice period shall close no sooner than 15 days after the annual meeting specified in paragraph B.4.b. of this consent order. At the same time as the notice to the newspaper, the consumer advocate identified in paragraph B.4.c. of this consent order shall also be notified.
- c. On or before April 1st after the issuance of this consent order and annually thereafter, conduct an annual meeting outside of typical business hours (8:00 am to 5:00 pm) for the general public which presents a comprehensive update/ proposed projects report of the previous 4 quarterly updates, as required by paragraph B.4.a. of this consent order and includes a question/answer component. The quarterly update/ report required by paragraph B.4.a. of this consent order and notice of the date and time of the annual meeting required by this paragraph shall be posted on Respondent's website, social media, and appear in newspapers of general circulation in Respondent's service area at least 30 days prior to such annual meeting.
- d. Include Respondent's consumer advocate in the review of each quarterly update and proposed projects 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.
- e. Within 30 days of the close of the public comment period specified in paragraph B.4.b. of this consent order, Respondent shall post all public comments and a response document, responding to comments, prominently on its webpage and send such comment response document to the Department.
- 5. On or before December 31, 2030, the Respondent shall have completed construction of all actions identified in 2023 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.



6. On or before January 1st after the issuance of this consent order and annually thereafter, 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 2023 Integrated Plan Implementation Phase I, as described 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.12.
7. No less than 90-days prior to the respective bid dates, as specified in the "Two Year Bid Schedule" submitted pursuant to Paragraph B.6. above, for all CSO related construction contracts that comprise the 2023 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.
8. 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.
9. As part of the LTCP/IP update process Respondent shall retain a qualified third-party consultant acceptable to the Commissioner, to determine the efficacy and cost effectiveness of the revised approach for sewer mitigation and public health and safety protection identified in the 2023 Integrated Plan Implementation Phase I compared to more traditional sewer mitigation projects.
  - a. On or before April 1, 2024 and each year thereafter, Respondent shall submit a report for the Commissioner's review summarizing the results of each of the projects identified in the 2023 Integrated Plan Implementation Phase I. Such report shall include: 1) an estimation of the expected reduction in volume in the Respondent's conveyance system and estimated reduction in CSOs, 2) an evaluation the efficacy and cost effectiveness of the revised approach for sewer



mitigation and public health and safety protection certification protection identified in the 2023 Integrated Plan Implementation Phase I compared to more traditional sewer mitigation projects, and 3) certification that each action has been conducted in a cost effective manner and in compliance with the requirements of the Regulations of CT State Agencies section 22a-482 related to performance of an alternatives analysis and value engineering for projects over \$10,000,000, selection of engineering consultants based on qualifications based selection, conducting competitive bidding of contracts, and meeting contracting goals for minority & women based enterprises;

b. Respondent shall measure and maintain data on the following metrics which shall be provided to the consultant(s) approved pursuant to paragraph B.9.a. and provide the basis for the evaluation required by paragraphs B.10.a. and B.10.c

- LF of new storm drains or sanitary sewers installed as part of sewer separation projects;
  - LF of CIPP rehabilitation of existing combined sewers, sanitary sewers or storm sewers;
  - LF of CIPP rehabilitation of private property laterals;
  - Number of properties with new storm laterals or sanitary sewer laterals installed as part of sewer separation projects;
  - Number of properties with completed renewal of existing sanitary sewer laterals;
  - Number of properties with complete surcharge protection completed via the District's Backwater Valve/Private Property Inflow Disconnection Program;
  - Number of properties with completed private property separation including foundation drains, roof leaders, etc.;
  - Reduction in CSO volume in a 1-year storm, a typical year, as well as the elimination storm as measured at CSO's N-2 and N-4, as compared to baseline values established in the 2018 LTCP/IP; and
  - Reduction in CSO volume in a 1-year storm and a typical year at all Gully Brook and North Meadows Drainage District CSOs, as compared to baseline values established in the 2018 LTCP/IP.
- c. On December 31, 2028, Respondent's consultant required by paragraph B.9. of this consent order shall submit a report to the Commissioner with its determination on the efficacy and cost effectiveness of the revised approach for sewer mitigation and public health and safety protection identified in the 2023 Integrated Plan Implementation Phase I compared to more traditional sewer mitigation projects. Such report shall consider both sewer mitigation and public health and safety protection.



10. Long-Term Control Plan Update. By December 31, 2028, the Respondent shall submit, for the Commissioner's review and approval, an IP/LTCP 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 IP/LTCP Update to address comments made by the Commissioner. Each IP/LTCP Plan Update shall at a minimum comply with the following:
  - a. The IP/LTCP 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 IP/LTCP Update shall include a public information process and provide an opportunity for receiving and responding to public comment.
  - c. The IP/LTCP 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, Table 2 and implement the projects as defined in Appendix C, Table 1, by the earliest feasible date, but no later than December 2059.
  - d. The IP/LTCP 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.
11. 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.
12. 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.
13. 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.





14. 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.
15. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
16. 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.
17. 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:



**Connecticut**  
**Department of Energy &  
Environmental Protection**

"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."

18. 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.
19. 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.
20. 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.
21. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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, Environmental 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](mailto: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 Date  
 Chief Executive Officer

Issued as a final order of the Commissioner of Energy and Environmental Protection that shall supersede Consent Order COWRMU22002 executed on September 19, 2022.

*Katie S. Dykes* \_\_\_\_\_  
 Katie S. Dykes Date  
 Commissioner



**APPENDIX A**

**TABLE 1: 2023 Integrated Plan Implementation Phase I, Project List and Timeline**

<u>Area</u>	<u>CWP/IP Project</u>	<u>Description</u>	<u>Original 9/19/2022 CO Completion Date</u>	<u>Revised 7/13/2023 CO Completion Date</u>	<u>Revised TBD CO Completi on Date</u>
North Branch Park River	I-4 (N-30) Improvements	Rehabilitation of N-30 Sewer	12/31/2023	12/31/2024	12/31/2024
North Branch Park River/Gully/North Meadows	Expedited Sewer Separation Contracts (ROW)	Installation of up to 8,000 LF of new storm drains and associated storm laterals as required to facilitate separation of 160 properties in North Hartford	N/A	12/31/2024	Now broken out into 4 projects (Durham, Woodstock&Branford, Westland, and Windsor St. projects as identified below)
North Branch Park River/Gully/North Meadows	Expedited Sewer Separation Contracts (ROW)	Durham Street Project	N/A	12/31/2024	2024 - Completed 4/30/2024
North Branch Park River/Gully/North Meadows	Expedited Sewer Separation Contracts (ROW)	Woodstock & Branford Project	N/A	12/31/2024	2024 - Completed 5/9/2024
North Branch Park River/Gully/North Meadows	Expedited Sewer Separation Contracts (ROW)	Westland Street Area Project	N/A	12/31/2024	7/1/2026
North Branch Park River/Gully/North Meadows	Expedited Sewer Separation Contracts (ROW)	Windsor Street Area Project	N/A	12/31/2024	7/1/2026
North Branch Park River	Current CIP Sewer Rehab (in Bloomfield & NBPR)	15,000 LF of rehabilitation in Bloomfield & Hartford	12/31/2022	12/31/2024	12/31/2024
North Branch Park River	Blue Hills Granby* Drainage Study	Drainage study of the NBPR	12/31/2023	12/31/2024	12/31/2025*

Gully Brook	Current CIP Sewer Rehab (in Gully Brook Area)	15,000 total feet of rehabilitation in Gully Brook Area of Hartford	12/31/2022	12/31/2024	12/31/2024
North Meadows	Tower Avenue Area Sewer Rehabilitation	Rehabilitation of 10,000 LF of sewers & 200 laterals in Gully Brook Area Upstream of NM-2/3/4	12/31/2028	12/31/2024	12/31/2024
North Branch Park River/Gully/ North Meadows	Expedited Sewer Separation Contracts (Private)	Completion of private property separation work of up to 160 properties in North Hartford	N/A	12/31/2025	Now broken out into 4 projects (Durham, Woodstock&Branford, Westland, and Windsor St. projects as identified below)
North Branch Park River/Gully/ North Meadows	Expedited Sewer Separation Contracts (Private)	Durham Street Project	N/A	12/31/2024	2024 - Completed 4/30/2024
North Branch Park River/Gully/ North Meadows	Expedited Sewer Separation Contracts (Private)	Woodstock & Branford Project	N/A	12/31/2024	2024 - Completed 10/31/2024
North Branch Park River/Gully/ North Meadows	Expedited Sewer Separation Contracts (Private)	Westland Street Area Project	N/A	12/31/2024	12/31/2026
North Branch Park River/Gully/ North Meadows	Expedited Sewer Separation Contracts (Private)	Windsor Street Area Project	N/A	12/31/2024	7/1/2027
Park River & South Meadows	18-in to 21-in brick rehab	52,000 LF of rehabilitation targeting 18- in to 21-in brick sewers in Hartford	12/31/2025	12/31/2025	Now broken out into 2 projects (Part 2, LD Phase 3A, Parts 1 &2 as identified below)
Park River & South Meadows	18-in to 21-in brick rehab	Part 2 (LD Phase 3A Part 1)	12/31/2025	12/31/2025	12/31/2025

Park River & South Meadows	18-in to 21-in brick rehab	Part 2 (LD Phase 3A Part 2)	12/31/2025	12/31/2025	7/1/2026
Park River & South Meadows	West Hartford SSES Implementation Contract 2012-59	56,000 LF of SSES recommendations in West Hartford	12/31/2025	12/31/2025	12/31/2025
North Branch Park River	Sewer & Lateral Rehabilitation	Rehabilitation of 48,360 LF of sewers & 1,510 laterals in NBPR Area Upstream of N-2 & N-4	N/A	12/31/2026	12/31/2026
Gully Brook	Sewer & Lateral Rehabilitation	Rehabilitation of 30,120 LF of sewers & 1,040 laterals in Gully Brook Area Upstream of G-12	N/A	12/31/2026	12/31/2026
North Branch Park River/Gully/North Meadows	Backwater Valve/Private Property Inflow Disconnection	Plumbing improvements of up to 1,500 properties in North Hartford in advance of future separation projects.	N/A	12/31/2026	12/31/2026
North Meadows	Sewer & Lateral Rehabilitation	Rehabilitation of 8,530 LF of sewers & 500 laterals in NBPR Area Upstream of NM-5/6/7	N/A	12/31/2026	12/31/2026
South Branch Park River	South Hartford Conveyance & Storage Tunnel (SHCST) Contracts 2, 3, & 5	Completion of SHCST Contracts 2, 3, & 5 to control SBPR CSOs S-19 through S-30 to 1-year storm and control structural SSOs CTS 2, CTS 3 & NTS Hillcrest in accordance with the Consent Decree	12/31/2026	12/31/2026	12/31/2026
North Branch Park River	Granby 7 Sewer Separation	Sewer Separation including sewer rehabilitation	12/31/2028	12/31/2028	12/31/2028
North Branch Park River	Granby 8 Sewer Separation (design & construction)	Sewer Separation including sewer rehabilitation	12/31/2029 (design only)	12/31/2028 (now includes construction)	12/31/2028 (now includes construction)
North Branch Park River	Granby 9 Sewer Separation (design & construction)	Sewer Separation including sewer rehabilitation	12/31/2029 (design only)	12/31/2028 (now includes construction)	12/31/2028 (now includes construction)
North Branch Park River	Bloomfield Styrene Rehabilitation	Rehabilitation of 14,000 feet of sewers in Bloomfield	12/31/2029	12/31/2029	12/31/2029

Projects in red are being broken out into multiple projects due to inability of SBE contractors to complete in the original Consent Order timeline.

Projects in purple are the contracts broken out from the 3 larger projects (shown in red).

\*Previously called the North Branch Park River Drainage Study – 1 year extension initiated by DEEP to allow for DEEP review and approval.



**APPENDIX B**

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

CSO 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 Control<sup>1</sup> 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

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



**APPENDIX C****TABLE 1: Projects deferred from the *Integrated Plan Implementation Phase I***

<b>Area</b>	<b>CWP/IP Project</b>	<b>Description</b>	<b>Original CO Completion Date</b>	<b>Revised CO Completion Date</b>
Park River & South Meadows	SM-2 Improvements	Replacement/rehabilitation of existing collection system gates and SM-2	2024	2030 - 2040
South Branch Park River	Cemetery Brook Area Large Diameter Rehab	7,000 LF of rehabilitation targeting the Cemetery Brook Sewer Area	2025	2030 - 2040
Park River & South Meadows	Farmington and Homestead Ave Large Diameter Rehab	7,000 LF of rehabilitation targeting the Farmington/Homestead Avenue Area	2026	2030 - 2040
North Branch Park River	New North Branch Interceptor Improvements	NNBI Replacement Pipe & N-22 Regulator Improvements (eliminating N-9 & N-10)	2027	2030 - 2040
South Branch Park River	Kane Brook (S-8 & S-13)	Sanitary sewer improvements to S-8 and S-13	2027	2030 - 2040
North Branch Park River	Homestead Avenue Interceptor Improvements (Design Only)	Replacement of 4,600 LF HAI (achieving 2-year level of control at N-4)	2029	2030 - 2040
Gully Brook	Gully Brook Area Large Diameter Rehab (Part 1)	13,500 LF of rehabilitation targeting the Gully Brook Interceptor	2029	2030 - 2040
Gully Brook	Gully Brook Area Large Diameter Rehab (Part 2)	13,500 LF of rehabilitation targeting the Gully Brook Interceptor	2029	2030 - 2040
Farmington and Park Street	N-12 Sewer Separation and CMOM	Sewer Separation including sewer rehabilitation	2029	2030 - 2040
Franklin Avenue	South Hartford Conveyance & Storage Tunnel (SHCST) Contract 4	Completion of SHCST Contract 4 to eliminate Franklin Ave CSOs to the Wethersfield Cove; F-26, F-27, F-28, F-29, F-30, F-32, and F-33	2029	2030 - 2040

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

**MEMORANDUM OF UNDERSTANDING WITH CITY OF HARTFORD  
MS4 GENERAL PERMIT**

To: Bureau of Public Works

January 13, 2025

**BE IT HEREBY RESOLVED**, that the Board of Commissioners of The Metropolitan District hereby authorizes the Chief Executive Officer, or his designee, to execute the attached Memorandum of Understanding between the City of Hartford and The Metropolitan District regarding the terms, conditions, and specific obligations under which the District and City of Hartford will comply with the Connecticut Department of Energy and Environmental Protection's ("DEEP") General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 General Permit"), the full terms of which are set forth in the attached Memorandum of Understanding.

Respectfully submitted,



John S. Mirtle, Esq.  
District Clerk

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE METROPOLITAN DISTRICT  
And  
CITY OF HARTFORD**

**1. Parties**

This Memorandum of Understanding (hereinafter referred to as “MOU”) is made and entered into by and between The Metropolitan District (“MDC”), whose address is 555 Main Street, Hartford, and the City of Hartford (“COH”), whose address is 550 Main Street, Hartford. MDC and COH may be referred to collectively as the “Parties” or individually as a “Party” to this MOU.

**2. Purpose**

The purpose of this MOU is to establish the terms, conditions, and specific obligations under which the MDC and COH will comply with the Connecticut Department of Energy and Environmental Protection’s (“DEEP”) General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (“MS4 General Permit”) effective October 1, 2023, and future iterations of the MS4 General Permit.

The MS4 General Permit, issued pursuant to Connecticut General Statutes, Section 22a-430b, authorizes the discharge of stormwater and specific non-stormwater discharges from or associated with a MS4, provided the municipality or state or federal institution that initiates, creates, originates or maintains such discharge registers pursuant to the MS4 General Permit and complies with all permit requirements.

Since the MDC and COH each own and/or control portions of the MS4 in Hartford, the MDC and COH agree that the efforts of both parties are necessary to comply with the MS4 General Permit. Therefore, in accordance with Section 6(b)(3) of the MS4 General Permit,<sup>1</sup> MDC and COH agree to coordinate the development and implementation of their respective Stormwater Management Plans to address all the elements of the MS4 General Permit, and shall divide and undertake the responsibilities and Best Management Practices as further described in this MOU, to comply with the MS4 General Permit’s requirements. MDC and COH agree to provide information related to the MS4 General Permit to the other as provided in this MOU and upon request in accordance with this MOU.

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<sup>1</sup> Section 6(b)(3) of the MS4 General Permit provides: “Where a portion of the separate storm sewer system within a municipality is owned or otherwise the responsibility of another municipality, institution or state or federal agency the entities shall coordinate the development and implementation of their respective Stormwater Management Plans to address all the elements of Section 6. A description of the respective responsibilities for these elements shall be included in the Stormwater Management Plan for each municipality.”

**3. Term of MOU**

This MOU is effective upon the date last signed and executed by the duly authorized representatives of the Parties to this MOU and the governing bodies of the parties' respective municipalities, and shall remain in full force and effect until: (1) registration under a MS4 General Permit is no longer required for the lawful operation of the Small MS4 in Hartford; or (2) termination of this MOU by the written consent of both Parties.

**4. Allocation of Responsibilities under the MS4 General Permit**

The City of Hartford Stormwater Management Plan, dated April, 2017, as modified by the annual reports submitted in accordance with the MS4 General Permit since 2017 (the "SWMP"), shall initially serve as the baseline for the requirements necessary to comply with the currently-effective MS4 General Permit, until MDC and COH (collectively or separately) develop replacement or updated Stormwater Management Plan(s). MDC and COH shall, at least annually, coordinate to the extent necessary and practicable, to ensure that each of the requirements of the MS4 General Permit and SWMP (or their respective SWMPs) are achieved. MDC may submit its own stormwater management plan compliant with the MS4 General Permit.

Attachment A to this MOU, incorporated herein by reference, titled "Allocation of Permit Responsibilities", contains a description of the agreed-upon respective responsibilities between the MDC and COH, and are designed to facilitate the ongoing implementation of the SWMP and efficient performance of the Minimum Control Measures required under the MS4 General Permit. MDC and COH hereby agree to coordinate and implement the responsibilities assigned to each respective Party to the Maximum Extent Practicable, as required by the MS4 General Permit and related regulations. To the extent reasonably necessary, the Parties shall exchange such information and documents as are necessary for each to complete the tasks allocated to them in this MOU and Attachment A. Further, MDC and COH each acknowledge that a failure of one Party to perform its requirement(s) under the MOU or the MS4 General Permit may result in enforcement actions or liabilities to one or both Parties. Therefore, the Parties shall communicate with each other if a requirement under the MS4 General Permit is unlikely, or unable, to be performed as agreed under this MOU and may request that the other Party assist with, or take over, the requirement, at a cost to be negotiated in good faith between the parties. If the requested Party is unable to assist with, or take over, the requirement, the requesting Party shall coordinate, as necessary, to ensure that the requirement is met to the Maximum Extent Practicable, as required by the MS4 General Permit and related regulations.

MDC and COH acknowledge that should revisions to the SWMP (or their respective SWMPs) be necessary or agreed upon at any point, the MDC and COH may endeavor to incorporate the agreed upon Allocation of Permit Responsibilities found in Attachment A into a revised SWMP (or their respective SWMPs). Further, the Parties may revise any such allocation of permit responsibilities as necessary, upon agreement of both parties, in

furtherance of the purpose of complying with the MS4 General Permit and changes in laws and/or regulations specifically referenced herein.

## **5. Dispute Resolution**

Neither Party shall have the right to commence any claim arising out of or relating to this MOU against the other Party, except: (1) to enforce a responsibility assigned to any Party pursuant to this MOU; (2) to seek reimbursement for costs associated with assuming the responsibilities of the other Party under this MOU or the MS4 General Permit; or (3) to seek reimbursement for any fine or penalty resulting from the failure of the other Party to fulfill its obligations under this MOU or MS4 General Permit. Neither Party shall be liable to the other for damages in excess of the (1) costs associated with assuming the responsibilities of the other Party, or (2) fine or penalty resulting from the failure of the other Party to fulfill its obligations under this MOU or MS4 General Permit.

Each Party shall be responsible for their own legal fees in any claim between the Parties arising out of or relating to this MOU, and in any action by a government entity or third party related to the MS4 General Permit. To the extent that a fine, penalty, or other order assigned to one Party results from any such action by a government entity or third party, the noncompliant Party shall be responsible for the payment/performance of the fine, penalty, or other order based upon its share of the liability, as apportioned by a court of law or agency, with due consideration of the allocation of responsibilities contained in Attachment A to this MOU.

Each Party expressly disclaims and covenants not to seek consequential damages of any kind against the other Party.

If a dispute arises between the Parties regarding this MOU, the Parties agree to first attempt to resolve the dispute through mediation administered by the American Arbitration Association ("AAA") in accordance with its Commercial Mediation Rules, or another comparable mediation procedure chosen by mutual agreement of the Parties. Both Parties shall participate in good faith in the mediation process. If the dispute remains unresolved after mediation, the Parties may then pursue other available remedies.

## **6. General Provisions**

### **A. Amendments**

Either Party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

### **B. Entirety of Agreement**

This MOU represents the entire and integrated agreement between the MDC and COH and supersedes all prior negotiations, representations and agreements, whether written or oral.

**C. Severability**

Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and the Parties may renegotiate the terms affected by the severance.

**D. Governmental Immunity**

With the exception of the actions discussed in Section 5 of this MOU, the MDC and the COH and their respective governing bodies do not waive their governmental immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

**7. Signatures**

In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

**Signatories:**

**The Metropolitan District**

\_\_\_\_\_  
Scott Jellison, P.E.  
The Metropolitan District  
Chief Executive Officer

\_\_\_\_\_  
Date

**The City of Hartford**

\_\_\_\_\_  
Arunan Arulampalam  
City of Hartford  
Mayor

\_\_\_\_\_  
Date

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE METROPOLITAN DISTRICT  
And  
CITY OF HARTFORD**

**ATTACHMENT A:  
ALLOCATION OF PERMIT RESPONSIBILITIES**

A description of the respective responsibilities between MDC and COH (jointly the “Parties” or severally a “Party”) are provided in the following Best Management Practices (BMP) tables. Each Party is responsible for the costs and expenses associated with the specific obligations assigned to it.

The COH and The MDC shall form a Joint MS4 Committee (the “Joint MS4 Committee”) composed of the Chief Operating Officer (the “COO”) and the Director of Engineering from the MDC and the Director of Public Works and the City Engineer from the COH, or their respective designees. The Joint MS4 Committee shall coordinate as necessary, but at least annually, to oversee that each of the control measures in this Attachment A are achieved to the extent reasonably possible, to review the requirements of all Control Measures, to identify problems, and to recommend solutions as appropriate to the Mayor of the COH and the CEO of the MDC

BMP #	BMP Description / Commitments
1	<p><b>Control Measure 1: Public Education and Outreach</b> According to the Connecticut Department of Energy &amp; Environmental Protection (DEEP) MS4 General Permit, the goals of this minimum control measure are to:</p> <ul style="list-style-type: none"> <li>(1) Raise awareness that polluted Stormwater runoff is the most significant source of water quality problems.</li> <li>(2) Motivate residents to use BMPs which reduce polluted Stormwater runoff; and</li> <li>(3) Reduce polluted Stormwater runoff as a result of increased awareness and utilization of BMPs.</li> </ul>
1-1	<p><b>Implement Public Education and Outreach</b> Implement a public education program to distribute educational materials to the community to achieve the goals of this control measure.</p> <ul style="list-style-type: none"> <li>• COH shall take the lead in developing a public education program and outreach messaging as required to comply with BMP 1-1, with input from MDC as necessary.</li> <li>• COH will maintain the Hartford Public Works webpage, or equivalent other public-facing webpage, that will provide information on the stormwater management efforts in Hartford, tips on preventative measures for residents, and include links to additional resources.</li> <li>• MDC will maintain a Stormwater Management webpage that provides information on the stormwater management efforts being made by MDC and COH in Hartford, tips on preventative measures for residents, and additional resource links. The information provided shall generally follow the public education and outreach messaging developed by COH. MDC may develop its own messaging so long as it does not conflict with the purpose of the MS4 Permit.</li> </ul>

	<ul style="list-style-type: none"> <li>COH and MDC shall coordinate periodically, but not less often than three times annually, and the COH shall post on social media educational information discussing stormwater management issues as required by the SWMP.</li> </ul>
1-2	<p><b>Address education/ outreach for pollutants of concern</b>                  Implement additional measures for discharges to waters associated with the following Stormwater Pollutants of Concern: Phosphorus, Nitrogen, Bacteria, and Mercury. Educational materials will be developed as needed to specifically tailor and target education on the sources, impacts, and available pollution reduction practices for the Stormwater Pollutant of Concern in accordance with Section 6(a)(1)(C) of the MS4 General Permit.</p> <ul style="list-style-type: none"> <li>COH shall take the lead in developing public education and outreach messaging for pollutants of concern as required to comply with BMP 1-2 with input from MDC as necessary.</li> <li>The MDC and COH shall coordinate in accordance with BMP 1-1 to post at least one post for social media addressing applicable Stormwater Pollutants of Concern and their sources, impacts, and available pollution reduction practices.</li> <li>COH will maintain on its webpage information related to Stormwater Pollutants of Concern.</li> <li>MDC will maintain on its webpage information related to Stormwater Pollutants of Concern.</li> </ul>

BMP #	BMP Description / Commitments
2	<p><b>Control Measure 2: Public Participation and Involvement</b>                  Control Measure 2 requires opportunities be provided to engage the community to participate in the review and implementation of the COH SWMP. According to the MS4 General Permit, the goal of this minimum control measure is to involve the community in both the planning and implementation process of improving Stormwater quality.</p>
2-1	<p><b>Comply with public notice requirements for the SWMP and Annual Reports</b>                  Publish a public notice to inform the public of the SWMP and the Annual Report required by Section 6(j) of the MS4 General Permit and to solicit comments on the SWMP and Annual Report.</p> <ul style="list-style-type: none"> <li>COH shall be responsible to ensure all public notices are posted by the required deadlines and maintain a copy of the SWMP and Annual Report on its webpage.</li> <li>MDC shall provide COH with information based on the MDC responsibilities outlined in this MOU for the Annual Report at least 30 days prior to the date the Annual Report is required to be publicly available. MDC will also maintain a copy of the SWMP and Annual Report on its webpage or link to the COH webpage for each.</li> </ul>
2-2	<p><b>Stormwater Committee meetings</b></p> <ul style="list-style-type: none"> <li>The Joint MS4 Committee shall meet as often as useful, but at least once annually, to share information, coordinate activities, and monitor progress to track compliance with the MS4 General Permit, the SWMP, and this MOU. Either Party may request a meeting of the joint Stormwater Committee upon reasonable notice. Such meetings may be held either in person or virtually.</li> </ul>
2-3	<p><b>Sponsor community participation event (not fewer than one annually)</b>                  The permittees will hold, or coordinate with a third Party to hold one community participation event per year. Information on improving water quality and stormwater impacts will be provided at the event(s).</p> <ul style="list-style-type: none"> <li>COH will hold, or coordinate with a third party to hold at least one community participation event per year and will be the point of contact for public outreach events held by the COH.</li> </ul>



	<ul style="list-style-type: none"> <li>• MDC will participate in COH’s community participation event or hold its own annual community event or events.</li> <li>• MDC will continue to hold an annual MDC Household Hazardous Waste Collection Event in Hartford.</li> <li>• MDC will provide COH with information on the MDC event(s) outlined in this BMP for the Annual Report.</li> </ul>
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BMP#	BMP Description / Commitments
3	<p><b>Control Measure 3: Illicit Discharge Detection and Elimination</b></p> <p>Control Measure 3 requires the development of a written Illicit Discharge Detection and Elimination (IDDE) Program designed to: provide the legal authority to prohibit and eliminate illicit discharges to the MS4, find the sources of any illicit discharges, eliminate those illicit discharges, and ensure ongoing screening and tracking to prevent and/or eliminate future illicit discharges. The MS4 General Permit requires the IDDE Program be implemented within the urbanized area and those catchment areas of the permittees with either Directly Connected Impervious Area (DCIA) of greater than 11%, or which discharge to impaired waters.</p>
3-1	<p><b>Develop a written Illicit Discharge Detection and Elimination Program</b></p> <p>Develop a written IDDE Program.</p> <ul style="list-style-type: none"> <li>• COH has developed a written IDDE Program dated October 16, 2023, which was adopted by the City Council on December 11, 2023.</li> <li>• The COH IDDE Program provides an implementation timeline on activities required under this BMP.</li> <li>• The Parties shall implement the IDDE Program as follows:             <ul style="list-style-type: none"> <li>○ MDC shall be responsible to develop and implement a written IDDE Program by December 31, 2025, and MDC shall implement its IDDE Program throughout the portions of the of the “below-the-grate” MS4 infrastructure owned or controlled by the MDC.</li> <li>○ COH shall be responsible to implement its written IDDE Program throughout the portions of the “below-the-grate” MS4 infrastructure owned or controlled by the COH.</li> <li>○ COH and MDC shall implement an IDDE Program throughout the portions of the “below-the-grate” MS4 infrastructure where ownership and control is unclear or yet to be determined. The Parties agree to work together by exchanging information, as needed, to determine an allocation of responsibility for implementing the IDDE program for the portions of the MS4 infrastructure where ownership or control is unclear or yet to be determined. Implementation of the IDDE program does not mean or imply ownership or control. If the Parties are unable to complete allocation or responsibility for ownership or control of the outfalls where ownership or control is unknown within one year from execution of the MOU, the Parties shall share the costs of implementation equally (50/50). Where ownership or control of certain portions of the MS4 infrastructure lies with third parties, the Parties shall work together to notify, and to the extent necessary, enter MOUs (or otherwise contract with), those third parties, to get them to take responsibility over those portions of the MS4 infrastructure.</li> <li>○ COH shall be responsible to implement its written IDDE Program on the portions of the MS4 that is “above-the-grate”, including on the public streets, sidewalks, gutters, parking lots, open-air culverts, ditches, or streams which are subject to the MS4 Permit, except for on properties owned or controlled by the MDC.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ MDC shall be responsible to develop and implement the IDDE Program on the portions of the MS4 that is “above-the-grate” on properties owned or controlled by the MDC.</li> <li>• The Parties further agree to coordinate their IDDE investigatory efforts according to the following procedure:             <ul style="list-style-type: none"> <li>○ MDC shall perform the initial investigation of a suspected/reported illicit discharge within that portion of the MS4 where MDC is responsible.</li> <li>○ If MDC has determined, based upon the results of its investigation, that the illicit discharge is entering the MS4 from outside the portion of the MS4 where MDC is responsible, MDC shall notify the COH and shall pinpoint the area to the extent feasible where MDC believes the illicit discharge is entering the MS4 where MDC is responsible with the procedures outlined in the IDDE Program. MDC shall provide copies and descriptions of the data and methods followed in its investigation to COH.</li> <li>○ COH shall then be responsible for investigating each source of illicit discharge identified by MDC and the COH, as an enforceable legal authority, will eliminate the illicit discharges. If upon conducting its own investigation, COH disagrees with the determination of MDC as to the origin of the illicit discharge or is unable to locate the source of the illicit discharge, COH shall report its finding to the Joint MS4 Committee, which shall review available information and determine next steps.</li> </ul> </li> <li>• The Parties further agree to coordinate their IDDE enforcement efforts as follows:             <ul style="list-style-type: none"> <li>○ MDC shall utilize available legal authority to identify, investigate and to the extent possibly eliminate discovered illicit discharges as required to comply with the IDDE Program and the MS4 Permit throughout the portions of the MS4 infrastructure owned or controlled by the MDC. COH shall, assist MDC as appropriate to utilize city legal authority and enforcement powers to eliminate illicit discharges throughout the portions of the MS4 infrastructure owned or controlled by the MDC.</li> <li>○ COH shall utilize its legal authority to eliminate discovered illicit discharges as required to comply with the IDDE Program and the MS4 Permit throughout the portions of the MS4 infrastructure owned or controlled by the COH. MDC shall assist COH where it is necessary to utilize MDC legal authority and enforcement powers to eliminate illicit discharges throughout the portions of the MS4 infrastructure owned or controlled by the COH.</li> </ul> </li> </ul> <p>If modifications to the Parties’ IDDE Programs are, or become, necessary for either Party to implement the IDDE Program as agreed in this MOU, the Parties shall cooperate to modify their respective IDDE Programs.</p>
<p>3-2</p>	<p><b>Develop a list and maps of all MS4 stormwater outfalls in urbanized and priority areas</b></p> <p>Develop a list (spreadsheet or database) and map or series of maps showing all stormwater discharges from municipally owned or operated pipe or conduit located within the MS4, and all interconnections with other MS4s pursuant to Section (6)(a)(3) and Appendix B of the MS4 General Permit. The Parties shall share equally (50/50) the cost of developing the spreadsheet or database and map for the first year of the program. If the map or list of stormwater discharges takes longer than one year to develop, the cost share to be paid by the COH will decrease to thirty percent (30%); if longer than two years, the COH share will decrease to ten percent (10%).</p> <ul style="list-style-type: none"> <li>• MDC and COH shall develop and maintain a list and map of all MS4 and related infrastructure in Hartford and all interconnections with other MS4 outfalls and related infrastructure in the COH.</li> </ul>

	<ul style="list-style-type: none"> <li>• MDC and COH will agree to a format for maintaining the list of MS4 outfalls and related infrastructure in Hartford. COH and MDC and the format of mapping data of the outfalls.</li> <li>• COH and MDC will be individually responsible for maintaining a list of interconnections with other MS4s and other stormwater systems that are connected to their respective MS4 infrastructure. COH and MDC shall provide updates to the Joint MS4 Committee of any changes to infrastructure belonging to them.</li> </ul>
<p>3-3</p>	<p><b>Develop a program for citizen reporting of illicit discharges</b>                  As part of the Written IDDE Program (BMP #3-1) for citizen reporting of illicit discharges, affirmatively investigate and eliminate any illicit discharges reported provided such report incorporates at least a time and location of an observed discharge. All citizen reports and the responses to the reports shall be included in the Annual Report.</p> <ul style="list-style-type: none"> <li>• COH shall be the designated single point of contact for citizens reporting of illicit discharges. COH utilizes Hartford 311 for citizen reporting of illicit discharges.</li> <li>• MDC shall refer citizens to Hartford 311 to make such reports and shall include such information on its webpage. At its option, however, MDC may develop a system to directly receive citizen reports of illicit discharges. If MDC directly receives any citizen reports of illicit discharges, MDC will follow its IDDE Program procedures and report the findings to the COH for enforcement per the MOU. MDC will provide the citizen reporting information in the format determined by the COH for their tracking and the Annual Report.</li> <li>• Regardless of which Party receives a citizen’s report of an illicit discharge, that receiving Party will notify the Party responsible for that portion of the MS4 where the illicit discharge is reported to be occurring, and that responsible Party will investigate the citizen’s report in accordance with the IDDE Program and with procedure discussed in BMP 3-1.</li> </ul>
<p>3-4</p>	<p><b>Establish legal authority to prohibit illicit discharges</b>                  Update the necessary and enforceable legal authority by statute, ordinance, rules and regulations, permit, easement, contract, order or any other means, to eliminate illicit discharges. The permittees will update the existing sewer ordinance and develop regulations addressing illicit discharges and incorporate into municipal code or a storm drain manual to establish the legal authority in accordance with Section 6(a)(3) and Section (A)(7)(a) of Appendix B of the MS4 General Permit.</p> <ul style="list-style-type: none"> <li>• COH will update its existing ordinances and develop regulations addressing illicit discharges and incorporate into municipal code or a storm drain manual to establish the legal authority in accordance with Section 6(a)(3) and Section (A)(7)(a) of Appendix B of the MS4 General Permit.</li> <li>• MDC will update its ordinances as necessary to comply with MS4 regulations, this MOU and Schedule A throughout the portions of the MS4 infrastructure owned or controlled by the MDC.</li> <li>• The Parties shall enforce the IDDE Program as described in BMP 3-1.</li> </ul>
<p>3-5</p>	<p><b>Develop record keeping system for IDDE tracking</b>                  Maintain a record of illicit discharge abatement activities. The Permittees will create a record keeping system for IDDE tracking that will include, at a minimum: location (identified with an address or latitude and longitude), description, date(s) of inspection, sampling data (if applicable), action(s) taken, date of removal or repair and responsible Party(ies). This information will be included in the Annual Report.</p> <ul style="list-style-type: none"> <li>• MDC and COH will create and maintain a record keeping system (or separate systems) for IDDE tracking as necessary to comply with the BMP 3-5.</li> </ul>

	<ul style="list-style-type: none"> <li>In the event of separate record keeping systems, MDC shall share record keeping and tracking data related to illicit discharge abatement activities at least annually and COH will incorporate this information in the Annual Report.</li> </ul>
3-6	<p><b>Address IDDE in areas with pollutants of concern</b>                  For waters for which Phosphorus, Nitrogen, or Bacteria is a Stormwater Pollutant of Concern, the IDDE program shall give highest priority in areas with the highest potential to discharge bacteria, phosphorus, and nitrogen to the MS4 in order to address septic system failures. Such areas shall be identified based on assessment of the following criteria: historic on-site sanitary system failures, proximity to bacteria impaired waters, low infiltrative soils, and shallow groundwater. The MS4 General Permit requires the following be included in the Annual Report: summary of the program, the number of areas identified with failing systems, actions taken by the permittee to respond to and address the failures, and the anticipated pollutant reduction.</p> <ul style="list-style-type: none"> <li>The SWMP gives highest priority in areas with the highest potential to discharge bacteria to the MS4 to address septic system failures. The Parties shall coordinate efforts to comply with this BMP 3-6 to address septic system failures, if required by the Department of Health and Human Services (HSS) Environmental Health Division, in accordance with the divisions of responsibilities discussed in BMP 3-1.</li> </ul>
3-7	<p><b>Develop and maintain an inventory identifying all known locations where Sanitary Sewer Overflows have discharged to the MS4 within the time period required by the Permit.</b>                  The permittee will develop an inventory for all known locations where Sanitary Sewer Overflows (SSOs) have discharged to the MS4 within the last five years. This shall include SSOs resulting during dry or wet weather, from inadequate conveyance capacities, or where interconnectivity of the storm and sanitary sewer infrastructure allows for communication of flow between the systems.</p> <ul style="list-style-type: none"> <li>MDC shall be responsible for developing and maintaining an inventory of all known locations where SSOs have discharged to the MS4 as required by the MS4 Permit. MDC will share the inventory at least once a year to the COH for the Annual Report.</li> <li>MDC shall be responsible for compliance with DEEP or other legal requirements associated with SSO occurrences, including reporting requirements.</li> <li>COH shall share information provided by MDC related to SSOs on its webpage and direct the public to DEEP and MDC resources for further information on SSOs.</li> </ul>

BMP#	BMP Description / Commitments
4	<p><b>Control Measure 4: Construction Site Runoff Control</b>                  Control Measure 4 requires implementation and enforcement of a program to control stormwater discharges to the MS4 associated with land disturbance or development (including re-development) activities from sites (as defined in the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities) with one acre or more of soil disturbance, whether considered individually or collectively as part of a larger common plan.</p>
4-1a	<p><b>Implement, upgrade (as necessary) and enforce City land use regulations related to Construction Site Runoff Control</b></p> <ul style="list-style-type: none"> <li>COH shall, as necessary, implement, upgrade, and enforce its land use regulations and ordinances to meet the requirements of the MS4 General Permit and the SWMP related to Construction Site Runoff Control.</li> </ul>

	<ul style="list-style-type: none"> <li>MDC shall, as necessary, apply the COH’s regulations and ordinances to meet the requirements of the MS4 General Permit and the SWMP related to Construction Site Runoff Control on MDC Construction Projects.</li> </ul>
4-1b	<p><b>Establish interagency or inter-jurisdictional agreements</b></p> <p>The COH and MDC shall establish interagency or inter-jurisdictional agreements (Memorandums of Understanding (MOUs)) to plan for the contribution of pollutants between the COH and MS4s owned and operated by others. Interconnected MS4 operators that have been identified potentially include the MDC, various state properties, and the Connecticut Department of Transportation (DOT).</p> <ul style="list-style-type: none"> <li>COH and MDC will update this MOU as necessary to comply with the MS4 General Permit and the SWMP.</li> <li>COH and MDC will separately consider and pursue MOUs with other Interconnected MS4 operators in cases where interconnection is to the MS4 infrastructure owned or controlled by one or the other, if the Party determines that the MOU would be advantageous to efficiently meeting the goals of the MS4 General Permit and the SWMP.</li> <li>The Joint MS4 Committee will consider MOUs with other Interconnected MS4 operators in cases where interconnection affects parts of the MS4 infrastructure owned or controlled by each COH and MDC, if the Parties each determine that the MOU would be advantageous to efficiently meeting the goals of the MS4 General Permit and the SWMP.</li> </ul>
4-2	<p><b>Develop and implement a plan outlining interdepartmental coordination of site plan review and approval</b></p> <ul style="list-style-type: none"> <li>COH shall be responsible for developing and implementing a plan outlining how all COH departments and boards with jurisdiction over the review, permitting, or approval of land disturbances and development projects within the MS4 will coordinate their functions with one another as provided in COH ordinances, COH Zoning Regulations, the MS4 Plan, state standards and regulations relating to stormwater management and drainage systems, and other applicable laws and regulations.</li> <li>COH and MDC will coordinate to develop an efficient procedure for connections to MDC MS4 infrastructure.</li> <li>COH will inform Land Use applicants to coordinate with the MDC regarding the design of any drainage system which connects to MDC drainage infrastructure.</li> <li>MDC will provide the COH with information at it relates to applicable State of Connecticut stormwater standards or regulations and provide information when requested by COH about any plans or projects related to infrastructure connections between COH and MDC.</li> </ul>
4-3	<p><b>Review site plans for stormwater quality concerns</b></p> <ul style="list-style-type: none"> <li>COH shall be responsible for conducting site plan reviews that incorporate consideration of stormwater controls or management practices to prevent or minimize impacts to water quality, as necessary to comply with the requirements of the SWMP and COH Ordinances.</li> <li>MDC shall, upon request from the COH, review site plans where there is a potential to increase the total flow to be received through MDC infrastructure.</li> </ul>
4-4	<p><b>Conduct Site Inspections</b></p> <ul style="list-style-type: none"> <li>COH shall be responsible for conducting site inspection(s) and enforcement if necessary to assess the adequacy of the installation, maintenance, operation, and repair of construction control measures and, where allowed post construction control measures.</li> <li>MDC may perform site inspection where there is a potential to increase the total flow to be received through the MS4 to MDC infrastructure.</li> </ul>
4-5	<p><b>Consideration of public input</b></p>

	<ul style="list-style-type: none"> <li>• COH shall be responsible for implementing a procedure for receipt and consideration of information submitted by the public concerning proposed and ongoing land disturbance and development activities. Currently any project requiring approval by a land use agency or commission is presented at a public meeting. Projects not presented at a public meeting will be posted to the COH website and a contact name (with phone number, address, and email) to whom the public can send comments will be provided.</li> <li>• MDC shall participate in public meetings upon request from the COH.</li> </ul>
4-6	<p><b>Notify construction site operators of the requirements for registration under "General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities"</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible for developing a procedure for notifying developers and contractors of their potential obligation to obtain authorization under the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities with a provision in the notification informing the developer/contractor of their obligation to provide a copy of the Stormwater Pollution Control Plan to the permittees upon request.</li> </ul>
4-7	<p><b>Document compliance with the Connecticut Anti-Degradation Implementation Policy in the Water Quality Standards for all new or increased discharges to High Quality Waters from the MS4</b></p> <ul style="list-style-type: none"> <li>• COH and MDC shall coordinate as necessary to achieve BMP 4-7 under the SWMP.</li> </ul>
4-8	<p><b>Demonstrate no new or increased discharges to Impaired Waters from the MS4</b></p> <ul style="list-style-type: none"> <li>• COH and MDC shall coordinate as necessary to achieve BMP 4-8 under the SWMP.</li> </ul>

BMP#	BMP Description / Commitments
5	<p><b>Control Measure 5: Post-construction Stormwater Management in New Development and Redevelopment</b></p> <p>Control Measure 5 requires a program to address stormwater runoff from new or redevelopment projects that disturb one or more acres of land.</p>
5-1	<p><b>Establish legal authority and guidelines regarding low impact development (LID) and runoff reduction in site development planning</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible to establish requirements that a developer or contractor seeking the permittee's approval shall consider the use of low impact development (LID) and runoff reduction site planning and development practices prior to the consideration of other practices in the permittees' land use regulations, guidance, or construction project requirements to meet or exceed those LID and runoff reduction practices identified in the CT Stormwater Quality Manual as amended.</li> </ul>
5-2	<p><b>Enforce LID/runoff reduction requirements for development and redevelopment projects</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible for requiring runoff reduction/ LID measures be used by developers in accordance with Section (6)(a)(5)(A)(i)&amp;(B) of the MS4 General Permit.</li> <li>• COH will utilize its legal authority to enforce its ordinances or other legal requirements as necessary to comply with this BMP 5-2.</li> </ul>

	<ul style="list-style-type: none"> <li>MDC will follow all ordinances or other legal requirements for MDC's projects and on MDC's properties.</li> </ul>
5-3a	<p><b>Identify retention and detention ponds in priority areas</b></p> <ul style="list-style-type: none"> <li>COH shall be responsible to identify retention and detention ponds in priority areas and to enforce compliance with applicable inspection and maintenance ordinances or other legal requirements as necessary to comply with this BMP 5-3a.</li> <li>MDC shall inspect and maintain MDC's infrastructure in accordance with applicable ordinances or other legal requirements.</li> </ul>
5-3b	<p><b>Implement long-term maintenance plan for stormwater basins and treatment structures</b></p> <p>Implement a maintenance plan for ensuring the long-term effectiveness of retention or detention ponds and stormwater treatment structures or measures (such as swirl concentrators, oil/grit separators, water quality wetlands or swales, , etc.) located in the Urbanized Area and those catchment areas of the COH with either DCIA of greater than 11% or which discharge to impaired waters and which discharge to, or receive Stormwater from the MS4.</p> <p>COH shall be responsible to implement a maintenance plan for ensuring the long-term effectiveness of retention or detention ponds and stormwater treatment structures that are owned by the COH. COH shall additionally be responsible for requiring and enforcing maintenance plans for privately-owned retention or detention ponds to the extent required by the MS4 permit. MDC shall be responsible to implement a maintenance plan for ensuring the long-term effectiveness of retention or detention ponds and stormwater treatment structures that are owned by the MDC.andprivately owned ponds where the MDC maintains an easement or other legal authority to the extent that MDC's use or authority related to the ponds impacts the long-term effectiveness and maintenance requirements of the privately-owned ponds..</p>
5-4	<p><b>DCIA mapping</b></p> <p>Calculate the Directly Connected Impervious Area (DCIA) that contributes Stormwater runoff to each of its MS4 outfalls (i.e. catchment areas) using mapping provided by the DEEP or other equivalent source. The DCIA calculation shall be based upon the criteria available through the DEEP Stormwater webpage.</p> <ul style="list-style-type: none"> <li>COH will calculate the Directly Connected Impervious Area (DCIA) that contributes Stormwater runoff to each of the MS4 outfalls (i.e. catchment areas) using mapping provided by the DEEP or other equivalent source.</li> <li>The COH and MDC may hire a consultant to perform the work required by this BMP. In such event the Parties shall split the costs associated with this BMP equally.</li> <li>The Parties agree to contribute information to the Joint MS4 Committee or its consultant necessary to facilitate compliance with this BMP 5-4.</li> </ul>
5-5	<p><b>Address post-construction issues in areas with pollutants of concern</b></p> <p>For discharges to impaired waters for which Nitrogen, Phosphorus or Bacteria is a Stormwater Pollutant of Concern, develop, fund, implement, and prioritize erosion and sediment problems noted during required inspections of retention or detention ponds and Stormwater treatment structures or measures (BMP #5-3) under the Retrofit program specified in the MS4 General Permit (BMP #6-3) to correct the problems in a specific timeframe and to establish short- and long-term maintenance.</p> <ul style="list-style-type: none"> <li>COH shall be responsible to implement BMP 5-5 with regard to retention or detention ponds and stormwater treatment structures or measures covered by this BMP 5-5 that are owned by the COH.</li> </ul>

	<ul style="list-style-type: none"> <li>• MDC shall be responsible to implement BMP 5-5 with regard to retention or detention ponds and stormwater treatment structures or measures covered by this BMP 5-5 that are owned by the MDC.</li> <li>• For all privately-owned retention or detention ponds and stormwater treatment structures or measures covered by this BMP 5-5, COH shall be responsible for implementing this BMP 5-5.</li> </ul>
5-6	<p><b>Implement and maintain any control measures or conditions for New Discharge to an Impaired Water without an Established TMDL</b></p> <p>If a new discharge to an impaired water without a TMDL is authorized pursuant to the conditions of Section 3(b)(7) of the MS4 General Permit and BMP 4-8, implement and maintain any control measures or conditions on the site that enabled such authorization, and modify such measures or conditions as necessary to maintain such authorization.</p> <ul style="list-style-type: none"> <li>• COH and MDC shall coordinate as necessary to achieve BMP 5-6 under the SWMP for all new discharges from the MS4 to an impaired water without a TMDL</li> </ul>
5-7	<p><b>Additional requirements for all new and existing discharges to a water with an Established TMDL or with a Pollutant Load Reduction specified within the TMDL</b></p> <p>If a new discharge to a water with a TMDL or with a pollutant load reduction established within the TMDL is authorized pursuant to the conditions of Section 3(b)(7) of the MS4 General Permit and BMP 4-8, follow the discharge requirements consistent with the applicable Wasteload Allocations, Load Allocations or Water Quality Targets for that TMDL. Implement BMPs as necessary to achieve the Waste Load Allocation, Load Allocation or Water Quality Targets specified within the TMDL (see Appendix D of the MS4 General Permit) for all existing Discharge to a Water with an Established TMDL or with a Pollutant Load Reduction specified within the TMDL.</p> <ul style="list-style-type: none"> <li>• COH and MDC shall coordinate as necessary to achieve BMP 5-7 under the SWMP for all new discharge to a water with a TMDL or with a pollutant load reduction established within the TMDL.</li> </ul>

BMP#	BMP Description / Commitments
6	<p><b>Control Measure 6: Pollution Prevention/Good Housekeeping for Municipal Operations</b></p> <p>The goal of Control Measure 6, Pollution Prevention/Good Housekeeping for Municipal Operations, is preventing or reducing pollutant runoff and protecting water quality from all permittees owned or operated MS4s. The following BMPs for new development and redevelopment will be implemented to fulfill the requirements of Control Measure 6.</p>
6-1	<p><b>Continue the formal employee training program developed under the 2004 MS4 General Permit</b></p> <p>Continue the formal employee training program developed under the 2004 MS4 General Permit to increase awareness of water quality related issues in management of its MS4.</p> <ul style="list-style-type: none"> <li>• COH and MDC will each separately conduct annual employee training programs in order to meet the requirements of the SWMP.</li> <li>• The Parties may coordinate and conduct joint trainings or share training materials.</li> </ul>



6-2a	<p><b>Minimize the discharge of pollutants to MS4 from parks and open space management</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible for maintaining properties, parks, and other facilities that are owned, operated, or otherwise the legal responsibility of the COH so as to minimize the discharge of pollutants to the MS4.</li> <li>• MDC shall be responsible for implementing BMP 6-2a on any MDC owned or controlled properties.</li> </ul>
6-2b	<p><b>Minimize the discharge of pollutants to MS4 from pet waste management</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible for managing pet waste to minimize the discharge of pollutants to the MS4.</li> </ul>
6-2c	<p><b>Minimize the discharge of pollutants to MS4 from waterfowl management</b></p> <ul style="list-style-type: none"> <li>• COH shall be responsible for maintaining waterfowl management efforts to minimize the discharge of pollutants to the MS4</li> </ul>
6-2d	<p><b>Minimize the discharge of pollutants to MS4 from municipal buildings and facilities</b></p> <p>Maintain municipal buildings and facilities (schools under the jurisdiction of the permittees, City offices, police and fire stations, pools, parking garages and other permittee-owned or operated buildings or utilities) to minimize the discharge of pollutants to the MS4.</p> <ul style="list-style-type: none"> <li>• COH will follow the requirements of the BMP for COH-owned or controlled buildings and facilities.</li> <li>• MDC will follow the requirements of the BMP for MDC-owned owned or controlled buildings and facilities.</li> </ul>
6-2e	<p><b>Minimize the discharge of pollutants to MS4 from municipal vehicle and equipment maintenance</b></p> <p>Maintain vehicles and equipment to minimize the discharge of pollutants to the MS4.</p> <ul style="list-style-type: none"> <li>• COH will follow the requirements of the BMP for COH-Fleet and equipment maintenance.</li> <li>• MDC will follow the requirements of the BMP for MDC-Fleet and equipment maintenance.</li> </ul>
6-2f	<p><b>Minimize the discharge of pollutants to MS4 from leaf management</b></p> <p>Maintain leaf management so as to minimize the discharge of pollutants to the MS4. Establish and implement procedures to minimize or prevent the deposition of leaves in catch basins, streets, parking lots, driveways, sidewalks or other paved surfaces that discharge to the MS4. Such procedures also apply to leaves collected by the permittee.</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for compliance with the requirements of BMP 6-2f.</li> <li>• MDC shall maintain leaf management on MDC properties so as to minimize the discharge of pollutants to the MS4, and with regard to any leaves collected by the MDC.</li> </ul>
6-3	<p><b>Implement coordination with interconnected MS4s</b></p> <p>As part of the interagency agreements established pursuant to Section (6)(a)(4)(A)(i)(e) and BMP #4-1, coordinate with operators of interconnected MS4s (such as neighboring municipalities, institutions and DOT) regarding the contribution of potential pollutants from the storm sewer systems, contributing land use areas and Stormwater control measures in the respective MS4s. This same coordination shall be conducted regarding operation and maintenance procedures utilized in the respective systems.</p> <ul style="list-style-type: none"> <li>• COH and MDC shall coordinate together, and with other agencies jointly, as necessary to fulfill the requirements of the BMP, especially prior to approving or modifying outside connections to the MS4 serving Hartford.</li> </ul>

<p>6-4</p>	<p><b>Develop and implement a program to control other sources of pollutants to the MS4</b>                  Develop and implement a program to control the contribution of pollutants to its MS4 from commercial, industrial, municipal, institutional or other facilities, not otherwise authorized by permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes.                  COH and MDC shall coordinate as necessary to develop and implement a program to conduct public education and outreach to commercial, industrial, municipal, institutional or other facilities not otherwise authorized by permit, regarding compliance with the requirements of the Permit.</p>
<p>6-5</p>	<p><b>Additional measures for discharges to impaired waters</b>                  Implement additional measures for discharges from permittee-owned or operated lands to impaired waters (with or without a TMDL).</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for implementing any additional measures for discharges from COH owned or operated land required by BMP 6-5 of the SWMP.</li> <li>• MDC shall be responsible for implementing any additional measures for discharges from MDC-owned or operated land required by BMP 6-5 of the SWMP.</li> </ul>
<p>6-6</p>	<p><b>Track projects that disconnect DCIA</b>                  Track on an annual basis the total acreage of DCIA that is disconnected as a result of redevelopment or retrofit projects within the MS4. Tracking the disconnection of DCIA means documenting within a given redevelopment or retrofit project the amount of existing DCIA that is modified such that it is disconnected. This tracking may include disconnections of DCIA from redevelopment or retrofit projects implemented as early as July 1, 2012 (five (5) years prior to the effective date of the MS4 General Permit). Any redevelopment or retrofit of an existing developed site, whether public (municipal, state or federal) or private (residential, commercial or industrial) shall be included in this tracking.</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for tracking projects that disconnect DCIA that contributes Stormwater runoff to each of the MS4 outfalls (i.e. catchment areas) with the input of the Joint MS4 Committee.</li> </ul>
<p>6-7</p>	<p><b>Develop and implement infrastructure repair/rehabilitation program</b>                  Continue to repair and rehabilitate its MS4 infrastructure in a timely manner to reduce or eliminate the discharge of pollutants from the MS4 to receiving waters. Utilize the information developed pursuant to Section (6)(a)(6)(A)(v) of the 2004 MS4 General Permit, to fund and implement a program for repairing, retrofitting or upgrading conveyances, structures and outfalls of the MS4.</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for implementing the infrastructure repair/rehabilitation program and complying with the requirements of BMP 6-7 throughout the portions of the MS4 infrastructure owned or controlled by the COH, and within city owned parks and properties but not including public rights of way.</li> <li>• MDC shall be responsible for implementing the infrastructure repair/rehabilitation program and complying with the requirements of BMP 6-7 throughout the portions of the MS4 infrastructure owned or controlled by MDC.</li> <li>• The Parties shall initially prioritize implementing the infrastructure repair/rehabilitation program on their own infrastructure for a period of two (2) years following execution of this MOU, while the Parties work together to determine ownership where the ownership and control of the MS4 infrastructure that is currently unknown or disputed. Following that initial two (2) year period, or if emergency repairs are required in the interim, MDC shall be responsible for implementing an infrastructure repair/rehabilitation program and complying with the requirements of BMP 6-7 with the input of the</li> </ul>

	<p>Joint MS4 Committee for all areas where the ownership and control of the MS4 infrastructure remain unknown or disputed, and the Parties will share the costs equally (50/50).</p>
6-8a	<p><b>Develop plan to identify/prioritize retrofit projects</b>          Develop a plan to identify and prioritize DCIA disconnection projects. Considerations for prioritizing retrofit projects may include outfall catchment areas that discharge to impaired waters, areas within the Urbanized Area of the MS4, or catchment areas with greater than eleven percent (11%) DCIA. The permittees shall select from the list of prioritized projects those that it will implement to meet the goals described in BMP 6-8b.</p> <ul style="list-style-type: none"> <li>• COH shall develop a plan to identify/prioritize retrofit projects.</li> </ul>
6-8b	<p><b>Implement retrofit projects to disconnect 2% of DCIA</b>          Commence the implementation of the projects identified above with a goal of disconnecting one percent (1%) per year of DCIA to the maximum extent practicable and continue such program with a goal to disconnect one percent (1%) of DCIA in each year thereafter.</p> <ul style="list-style-type: none"> <li>• COH shall coordinate as necessary to implement retrofit projects according to the plan to comply with this BMP #6-8b.</li> <li>• COH shall be responsible for implementing such retrofit projects to disconnect at least 1% of DCIA per year.</li> </ul>
6-9	<p><b>Develop/implement street sweeping program</b>          Establish and implement procedures for sweeping City-owned or operated streets and parking lots.</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for implementing a street sweeping program that complies with BMP 6-9, with a goal of minimizing various pollutants, including sediment, debris, yard waste, trash, deicing materials and trace metals to improve water quality. COH shall comply with its street sweeping Standard Operating Procedures (SOP), which is designed to sweep all public residential roadways twice monthly as a baseline as weather permits during the months of April through November and sweep City-owned parking facilities at least once annually. COH may modify the frequency of sweeping for certain streets as the situation warrants with notice to the Joint MS4 Committee. COH may, in conjunction with its street sweeping program, evaluate areas that would benefit from increased litter disposal options and/or litter removal services. The COH will provide MDC with a copy of its current street sweeping SOP and, as appropriate, any updates or amendments of the SOP.</li> <li>• MDC will identify and inform COH of areas with elevated levels of catch basin debris as provided in the MDC catch basin SOP. MDC will provide COH with a copy of its current catch basin SOP and, as appropriate, any updates or amendments of the SOP. COH will evaluate its street sweeping program based on input provided by the MDC concerning areas with elevated levels of catch basin debris and MDC will evaluate its catch basin cleaning program based on input provided by the COH.</li> <li>• The Parties are encouraged to coordinate the street sweeping and catch basin cleaning programs to maximizing the effectiveness of each.</li> <li>• MDC will sweep all MDC-owned facilities at least once annually.</li> </ul>
6-10	<p><b>Develop / implement catch basin cleaning program</b>          Conduct routine cleaning of all catch basins and track catch basin inspection observations. Utilizing information compiled through its inventory of catch basins, operational staff and public complaints, optimize routine cleaning frequencies for particular structures or catchment areas as follows to maintain acceptable sediment removal efficiencies.</p>

	<ul style="list-style-type: none"> <li>• MDC shall be responsible for conducting a catch basin cleaning program that complies with BMP 6-10 for all stormwater system catch basins throughout the portions of the MS4 infrastructure owned or controlled by the MDC. MDC shall comply with its current catch basin SOP to clean at least 3,500 catch basins per year and inspect the remaining catch basins at least once per year. Optimal cleaning frequency will be determined based on the requirements of Section 6(a)(6)(D)(ii)(f) of the MS4 General Permit.</li> <li>• COH shall be responsible for conducting a catch basin cleaning program that complies with BMP 6-10 for all stormwater system catch basins throughout the portions of the MS4 infrastructure owned or controlled by the COH. Optimal cleaning frequency will be determined based on the requirements of Section 6(a)(6)(D)(ii)(f) of the MS4 General Permit.</li> <li>• For all catch basins where the ownership and control of catch basins is disputed or yet to be determined, MDC shall be responsible for implementing the catch basin cleaning program that complies with BMP 6-10, with the input and oversight of the Joint MS4 Committee with the costs of such cleaning shared based on the Parties respective percentage of ownership.</li> <li>• MDC shall share information on its performance of the activities required by this BMP with COH for the Annual Report</li> <li>• The Parties are encouraged to coordinate the street sweeping and catch basin cleaning programs to maximizing the effectiveness of each.</li> <li>• COH will be responsible for cost reimbursement to the MDC associated with the collection, transportation and disposal of catch basin debris collected by MDC in COH owned basins, should the COH request MDC to clean COH owned basins.</li> <li>• If MDC provides information to the Joint MS4 Committee that demonstrates that any catch basin in which the catch sump is greater than 50% full following consecutive cleanings within a 13-month period, the Joint MS4 Committee will recommend a solution designed to eliminate this problem and may consider recommending a cost sharing program if necessary.</li> </ul>
6-11	<p><b>Develop/implement snow management practices</b> Implement snow management practices including Deicing Material Management and Snow and Ice Control Practices.</p> <ul style="list-style-type: none"> <li>• COH shall be responsible for implementing the requirements of the BMP.</li> <li>• MDC shall be responsible for developing and implementing snow management practices at all MDC owned or controlled properties.</li> </ul>

BMP#	BMP Description / Commitments
7	<p><b>Control Measure 7: Monitoring Requirements</b> Comply with the screening and monitoring requirements of Section 6(i) of the MS4 General Permit and conduct Impaired Waters Outfall Investigation and Monitoring. The Annual Report shall report on the progress of the impaired waters investigation and monitoring program.</p>
7-1	<p><b>Screen all Outfalls that Discharge to Impaired Waters: Begin Screening</b> Utilizing the list and mapping of all outfalls that discharge to impaired waters prepared pursuant to BMPs #3-2 and #7-2, and Section 6(a)(3)(C) of the MS4 General Permit, screen these outfalls for the pollutant identified as the pollutant of concern for the impairment.</p> <ul style="list-style-type: none"> <li>• MDC shall be responsible for screening all stormwater outfalls throughout the portions of the MS4 infrastructure owned or controlled by the MDC as required to comply with BMP 7-1. The information will be shared with the COH for the Annual Report.</li> </ul>

	<ul style="list-style-type: none"> <li>• COH shall be responsible for screening all stormwater outfalls throughout the portions of the MS4 infrastructure owned or controlled by the COH, as required to comply with BMP 7-1.</li> <li>• The Parties shall initially prioritize compliance with this Control Measure on their own MS4 outfalls for a period of two (2) years following execution of this MOU, while the Parties work together to determine ownership where the ownership and control of MS4 outfalls that are currently unknown or disputed. If the ownership and control of any MS4 outfalls is disputed or yet to be determined two years after the effective date of the Permit, the Parties will share the cost equally (50/50) for compliance with this Control Measure. The Joint MS4 committee will coordinate which Party will perform the work related to each MS4 outfall.</li> <li>• MDC will share as necessary information about activities under this BMP for the Annual Report.</li> </ul>
<p>7-2</p>	<p><b>Inventory and mapping of discharges to impaired waters</b>  MS4s that discharge into impaired waters, as identified in Section 6(k) of the MS4 General Permit, must create an inventory of all outfalls that discharge to impaired waters utilizing the list and mapping prepared pursuant to BMP #3-2 and Section 6(a)(3)(C) of the MS4 General Permit.</p> <ul style="list-style-type: none"> <li>• COH and MDC shall jointly be responsible for creating and maintaining an inventory and mapping of all outfalls that discharge to impaired waters as required to comply with BMP 7-2. Cost of this program will be shared equally (50/50) until the Parties have determined ownership, after which the costs will be split based on the Parties' respective ownership.</li> </ul>
<p>7-3</p>	<p><b>Follow-up Investigations of drainage areas: commence/implement follow-up investigations</b>  Investigate activities within the drainage area contributing to each outfall identified for follow-up investigation under BMP #7-1. This investigation shall include factors potentially associated with the cause of the related impairment.</p> <ul style="list-style-type: none"> <li>• MDC shall be responsible to investigate activities within the drainage area contributing to each stormwater outfall throughout the portions of the MS4 infrastructure owned or controlled by MDC and identified for follow-up investigation under BMP #7-1 in accordance with the IDDE Program, and in according to the division of responsibilities described in this MOU under BMP 3-1. In performing this obligation, MDC shall follow the procedures outlined in the IDDE Program.</li> <li>• COH shall be responsible to investigate activities within the drainage area contributing to each stormwater outfall throughout the portions of the MS4 infrastructure owned or controlled by the COH and identified for follow-up investigation under BMP #7-1 in accordance with the IDDE Program and in according to the division of responsibilities described in this MOU under BMP #3-1.</li> <li>• The Parties shall initially prioritize compliance with this Control Measure on their own MS4 outfalls for a period of two (2) years following execution of this MOU, while the Parties work together to determine ownership where the ownership and control of MS4 outfalls that are currently unknown or disputed. If the ownership and control of any MS4 outfalls is disputed or yet to be determined two years after the effective date of the Permit, the Parties will share the cost equally (50/50) for compliance with this Control Measure. The Joint MS4 committee will coordinate which Party will perform the work related to each MS4 outfall.</li> <li>• MDC shall share information on its performance of the activities required by this BMP with COH for the Annual Report.</li> </ul>

7-4	<p><b>Annual monitoring of priority outfalls</b></p> <p>Once outfall screening has been completed for at least half of the outfalls identified pursuant to BMP #7-2 and Section 6(i)(1) of the MS4 General Permit, utilize the screening results to select six (6) of the highest contributors of any of the pollutants of concern. These six outfalls shall be sampled annually for the appropriate pollutant of concern.</p> <ul style="list-style-type: none"> <li>• MDC shall be responsible for complying with BMP 7-4 on any MDC outfalls identified pursuant to BMP #7-2 as one of the six (6) of the highest contributors of any of the pollutants of concern.</li> <li>• COH shall be responsible for complying with BMP 7-4 on any COH outfalls identified pursuant to BMP #7-2 as one of the six (6) of the highest contributors of any of the pollutants of concern.</li> <li>• The Parties shall initially prioritize compliance with this Control Measure on their own MS4 outfalls for a period of two (2) years following execution of this MOU, while the Parties work together to determine ownership where the ownership and control of MS4 outfalls that are currently unknown or disputed. If the ownership and control of any MS4 outfalls is disputed or yet to be determined two years after the effective date of the Permit, the Parties will share the cost equally (50/50) for compliance with this Control Measure. The Joint MS4 committee will coordinate which Party will perform the work related to each MS4 outfall.</li> <li>• COH shall share information on its performance of the activities required by this BMP with COH for the Annual Report.</li> </ul>
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***On motion made by Commissioner DiBella and duly seconded, the report was received and resolution adopted by unanimous vote of those present.***

**SETTLEMENT OF PENDING LITIGATION  
KENNY/OBAYASHI IV JOINT VENTURE V MDC**

At 8:22 PM, Chairman Hoffman requested an executive session so that the Bureau of Public Works could discuss potential settlement of pending litigation regarding Kenny/Obayashi IV Joint Venture v MDC.

***On a motion made by Commissioner Lester and duly seconded, the Bureau of Public Works entered into executive session to discuss the pending settlement.***

Those in attendance during the executive session:

Commissioners Andrew Adil, John Bazzano, Richard Bush, Donald Currey, Dimple Desai (remote), William A. DiBella, John Gale, Peter Gardow (remote), Joan Gentile (remote), Allen Hoffman, Jean Holloway, Gary Johnson, Byron Lester, Diane Lewis, Maureen Magnan (remote), Jackie Mandyck, Dominic Pane, Bhupen Patel (remote), Pasquale J. Salemi, David Steuber (remote), Alvin Taylor, and James Woulfe; Chief Executive Officer Scott W. Jellison; Chief Administrative Officer Kelly Shane, Chief Operating Officer Chris Levesque, Director of Engineering Susan Negrelli; District Counsel Christopher Stone; Assistant District Counsel/District Clerk John Mirtle (remote).

**RECONVENE**

At 9:06 P.M., Chairman Hoffman requested to come out of executive session and District Chairman Currey made motion to come out of executive session. The motion was duly seconded, the Bureau of Public Works came out of executive session and reconvened.

**SETTLEMENT OF PENDING LITIGATION  
KENNY/OBAYASHI IV JOINT VENTURE v MDC**

To: Bureau of Public Works

January 13, 2025

**RESOLVED**, that pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to settle the pending federal litigation captioned **KENNY/OBAYASHI IV JOINT VENTURE v MDC**, Docket No. 3:22-CV-01237-JBA (the "Civil Action"), for the total sum of \$51,000,000.00, by means of approved change order(s) relating to differing site conditions encountered by the tunnel contractor, and as payment for the reasonable costs and expenses associated therewith, as full and final resolution of any and all additional contract payments relating to said change orders, subject to the proper execution of any and all documents reasonably necessary to effect these final change orders, including but not limited to filing a Stipulation of Dismissal, with prejudice and waiving all rights of appeal of the Civil Action; and

**BE IT FURTHER RESOLVED**, that the Board of Commissioners recognizes that with the acknowledgment of the differing site conditions and approval of the related change orders, the District, in effect, waives any and all claims for liquidated damages relating to the construction delays associated with said differing site conditions.

Respectfully submitted,

  
John S. Mirtle, Esq.  
District Clerk

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

**ADJOURNMENT**

The meeting was adjourned at 9:11 PM

ATTEST:

John S. Mirtle  
District Clerk

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Date of Approval