



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. By virtue of A.1 and A.2, the Respondent is causing pollution of the waters of the state and is maintaining facilities or conditions that can reasonably be expected to create a source of pollution to the waters of the state.
- B. The Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, and §22a-431 of the Connecticut General Statutes, orders the Respondent as follows:
1. The Respondent shall:
 - a. Implement the 2018 IP/LTCP, including the specific actions outlined in



the 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:

“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:



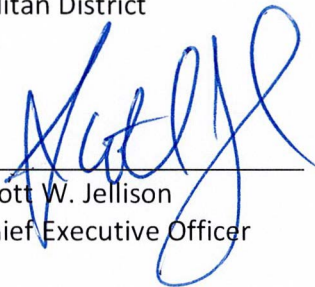
Connecticut
**Department of Energy &
Environmental Protection**

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

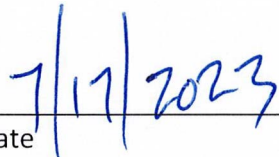
The Metropolitan District consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind The Metropolitan District to the terms and conditions of the consent order.

The Metropolitan District

BY:




Scott W. Jellison
Chief Executive Officer




Date

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



Katie S. Dykes
Commissioner



Date

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 CO Completion Date</u>	<u>Revised CO Completion Date</u>
North Branch Park River	I-4 (N-30) Improvements	Rehabilitation of N-30 Sewer	2023	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	2024
North Branch Park River	Current CIP Sewer Rehab (in Bloomfield & NBPR)	15,000 LF of rehabilitation in Bloomfield & Hartford	2022	2024
North Branch Park River	NBPR Drainage Study	Drainage study of the NBPR	2023	2024
Gully Brook	Current CIP Sewer Rehab (in Gully Brook Area)	15,000 total feet of rehabilitation in Gully Brook Area of Hartford	2022	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	2028	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	2025
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	2025	2025
Park River & South Meadows	West Hartford SSES Implementation Contract 2012-59	56,000 LF of SSES recommendations in West Hartford	2025	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	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	2026
North Branch Park River/Gully/	Backwater Valve/Private Property Inflow Disconnection	Plumbing improvements of up to 1,500 properties in	N/A	2026



North Meadows		North Hartford in advance of future separation projects.		
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	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	2026	2026
North Branch Park River	Granby 8 Sewer Separation (design & construction)	Sewer Separation including sewer rehabilitation	2029 (design only)	2028 (now includes construction)
North Branch Park River	Granby 9 Sewer Separation (design & construction)	Sewer Separation including sewer rehabilitation	2029 (design only)	2028 (now includes construction)
North Branch Park River	Granby 7 Sewer Separation	Sewer Separation including sewer rehabilitation	2028	2028
North Branch Park River	Bloomfield Styrene Rehabilitation	Rehabilitation of 14,000 feet of sewers in Bloomfield	2029	2029

Projects in green are new projects to Phase 1 or expedited projects.

Projects in yellow are delayed projects that will still be completed in Phase 1.

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 Control¹ for precipitation events, based on duration and quantity

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

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

APPENDIX C

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

<u>Area</u>	<u>CWP/IP Project</u>	<u>Description</u>	<u>Original CO Completion Date</u>	<u>Revised CO Completion Date</u>
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