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March 21, 2023

VIA FIRST CLASS U.S. MAIL AND ELECTRONIC MAIL

Town of Monterey
Board of Health
James Wilusz
Board of Health Agent
435 Main Road
Monterey, MA 01245
(submitted electronically via Town of Monterey's website email portal)

Metropolitan District Notification of Intent to Abandon Colebrook Lake Storage

Dear Board of Health Agent Wilusz,

Pursuant to the requirements of Connecticut General Statute § 25-33k(b) The Metropolitan District (MDC) is notifying you of our intent to submit an application to the Connecticut Department of Public Health for a permit to abandon its water storage space located between mean sea level elevation 644 and 701 within the United States Army Corps of Engineer's Colebrook River Lake. MDC will be maintaining access to and use of its pre-existing three and a half billion gallons of water in Colebrook River Lake in addition to water downstream in MDC's West Branch Reservoir, with no changes planned in the approach to watershed protection (See attached resolution of the MDC Board of Commissioners).

If you have any questions or desire additional information, please do not hesitate to contact me at (860) 278-7850 Ext. 3231.

Sincerely,

Christopher R. Stone
District Counsel
The Metropolitan District
555 Main Street
Hartford, CT 06103
Ph: (860) 278-7850 ext. 3231
cstone@themdc.com

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CERTIFICATE OF DISTRICT CLERK

I, John S. Mirtle, District Clerk of The Metropolitan District, Hartford, County, Connecticut (the "District"), appointed August 5, 2013 and authorized to sign District documents, do hereby certify that the following is a true, correct and complete copy of the resolution approved at a meeting of the District Board duly called and held on December 5, 2022, at the offices of the Metropolitan District Commission, 555 Main Street, Hartford, Connecticut, and said resolution has not been further amended, modified or repealed and is in full force and effect:

RESOLUTION REGARDING COLEBROOK RESERVOIR

The Metropolitan District ("MDC") entered into a certain contract entitled "REVISED CONTRACT BETWEEN THE UNITED STATES OF AMERICA AND THE METROPOLITAN DISTRICT FOR WATER STORAGE SPACE IN THE COLEBROOK RIVER RESERVOIR," dated February 11, 1965 (the "Agreement"). In 2019, consistent with Connecticut caselaw, the MDC notified the United States Army Corps of Engineers that under the terms of the Agreement the life of the project had been completed and the District elected to terminate the Agreement and its water rights under said Agreement. The Connecticut Department of Health ("DPH") has taken the position that such termination cannot occur until MDC obtains a permit to abandon the Colebrook River Reservoir as a water supply source pursuant to Connecticut General Statutes §25-33k. In response to this position, MDC filed a petition for declaratory ruling with DPH seeking a determination that Connecticut General Statutes §25-33k does not apply to its termination of the Agreement. In connection with this action, Save the Sound filed a "Request for Party or Intervenor Status" in which it raises several arguments in support of such Request, including that a finding in favor of the MDC will also lead to the elimination of state law protections over inactive drinking water sources, including those pertaining to source protection or watershed lands. The request has been granted.

Be It Resolved: that notwithstanding termination of the Agreement, the MDC retains rights to approximately 3.5 billion gallons of water within the Colebrook River Reservoir for riparian and hydroelectric uses; and therefore, MDC has not abandoned the Colebrook Reservoir and the MDC remains dedicated to protecting the watershed lands surrounding both Colebrook Reservoir and the MDC's West Branch Reservoir; and be it further

Resolved: that MDC, as the second largest land owner in the State of Connecticut and to ensure the quality and safety of its drinking water for its customers, remains steadfast and vigilant in its stewardship and protection of its watershed lands, and has no intention to alter this approach in the future.

ATTEST:

John S. Mirtle, Esq.
District Clerk
December 14, 2022

THE METROPOLITAN DISTRICT INCORPORATED 1929 WATER SUPPLY & SEWERAGE OF HARTFORD COUNTY CONNECTICUT

555 Main Street Hartford, Connecticut 06103 telephone: 860-278-7850 fax: 860-724-2679
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