

## **WATER DIVERSION PERMIT**

Permittee: Aquarion Water Company of Connecticut  
600 Lindley Street  
Bridgeport, CT 06606

Attn: Ingrid Jacobs

Permit No.: DIVC-202004971 (modifies DIV-97-13)

Towns: Bridgeport, New Canaan, Darien, Stamford, Fairfield, Easton, Weston, Redding,  
Greenwich, Westport, Norwalk

Project: Modify Permit No. DIV-97-13 to increase the transfer of public water supply  
from the applicant's Greater Bridgeport System to their Southwest Fairfield  
County Region

Waters: Hemlock Reservoir System, groundwater, Saugatuck River below Saugatuck  
Dam, Aspetuck River below Aspetuck Dam, Mill River below Cricker Brook, and  
Cricker Brook below Hemlocks Dam

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection ("Commissioner") hereby grants a permit to the Aquarion Water Company of Connecticut ("Permittee") to divert the waters of the state at their system interconnection on the Wilton/New Canaan border along New Canaan Road (a.k.a Route 106) just north of the intersection with Valley Road in New Canaan ("Site"). The purpose of the diversion is to transfer public water supply from the applicant's Greater Bridgeport System (GBS) to their Southwest Fairfield County Region (SWFCR).

### **AUTHORIZED ACTIVITY**

The permittee is authorized to transfer a maximum of 14.2 million gallons of water per day (mgd), further limited by an annual daily average of 12.56 mgd, via the Southwest Regional Pipeline from the permittee's GBS to their SWFCR.

Note that transfers by the permittee between distribution systems within their SWFCR are exempt pursuant to Section 22a-377(b)-1(a)(6) RCSA, provided the quantity of water withdrawn from any SWFCR source does not exceed the quantity authorized pursuant to permit or registration.

All activities shall be conducted in accordance with plans entitled: "*Attachment B – Location map*" prepared by Tighe & Bond, dated October 2019, and documentation submitted as part of the permit

application.

This authorization constitutes the licenses and approvals required by Section 22a-368 of the Connecticut General Statutes.

***The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.***

This authorization is subject to the following conditions:

## **CONDITIONS**

- 1. Metering of Withdrawals.** The permittee shall maintain the totalizing flow meters currently located at: the Little Brook Pump Station located at the intersection of Little Brook Road and Silvermine Avenue in New Canaan, the Talmadge Hill Booster Pump Station located at Talmadge Hill Road just east of the rail tracks in New Canaan, the Leeds Lane meter point located on Hoyt Street in Darien, and the two Regional Meters on Woodway Road just west of the Noroton River in Stamford. The permittee shall measure the total amount of water transferred from the Southwest Regional Pipeline at the above-referenced meters as authorized herein, and shall for the duration of this authorization continuously operate and maintain such meter in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. The permittee shall secure such meter in a locked facility, with access controlled solely by the permittee or other designee.
- 2. Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings at the meter points referenced in Condition 1 as prescribed on the Department's Water Diversion Reporting webpage at [www.ct.gov/deep/waterdiversionreporting](http://www.ct.gov/deep/waterdiversionreporting) indicating the total volume of water in gallons transferred that day. The daily record shall also record the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Condition 9 of this permit.
- 3. Prohibition of Future Connections.** The permittee shall not allow any new service connections to the Southwest Regional Pipeline between the Wilton/New Canaan town line and the Woodway Road Regional Meter in Stamford, unless authorized by the Commissioner. For the purposes of compliance reporting, the permittee shall use a maximum day demand of 0.01 mgd for the existing twenty-one residential customers connected either directly to or by a pipeline extended from the Southwest Regional Pipeline.

4. **Conservation Strategy Plan.** The permittee shall submit a strategy plan for the conservation of the State Threatened *Rotala ramosior* populations located at the Hemlock, Aspetuck and Saugatuck Reservoirs as recommended in the February 6, 2020 letter from Dawn McKay of DEEP's Wildlife Division to the Commissioner by January 15, 2021.
5. **Leak Detection.** Every five years, based upon the schedule below, the permittee shall conduct a system-wide comprehensive leak detection survey of the water distribution system and repair any leaks found. The leak detection survey shall follow standards and criteria contained within AWWA Manual M36 as may be amended or revised, or using other criteria as approved by the Department. No later than January 31, of the following year, the permittee shall report to the Commissioner all actions taken pursuant to the leak detection survey, including the number of miles of main surveyed, survey techniques and methodology, leaks found and repairs made. A copy of this record shall be included in the Annual Report to the Commissioner required by Condition 9 of this permit. The permittee shall undertake such leak detection surveys in the years 2022, 2027, 2032, 2037, and 2042.
6. **Meter Calibration and Reporting.** The permittee shall annually test and calibrate the totalizing flow meter referenced in Condition 1 to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
7. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan ("the plan"), as described in the permittee's application, and in accordance with the permittee's Water Supply Plan as approved pursuant to CGS Section 25-32d and any amendments or updates thereto, including the expansion of their "Two Day Per Week Irrigation Policy", alternative rate configuration, and wastewater treatment pricing as included the plan. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan and a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Condition 9 of this permit.
8. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least ten years from the date such data was generated or report created, whichever is later.

9. **Annual Reporting.** The permittee shall electronically submit, by January 31 of each year for the duration of this authorization, an Annual Report for the preceding calendar year that is consistent with reporting protocols located on the Department website at [www.ct.gov/deep/waterusereporting](http://www.ct.gov/deep/waterusereporting). The Annual Report shall be certified in accordance with Condition 13 of this permit, emailed to [DEEP.WaterUseReport@ct.gov](mailto:DEEP.WaterUseReport@ct.gov), and shall contain the following:
- a copy of the record of daily withdrawals and hours operated as required by Condition 2 of this permit,
  - denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization,
  - a summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan including a description of actual or estimated water savings achieved, as required by Condition 7 of this permit,
  - a copy of the leak detection report as required by Condition 5 of this permit, and
  - a copy of the stream gage record and stream flow as required by Condition.
10. **Other Restrictions.** The Commissioner shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in her judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
11. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
- the provision(s) of this permit that has been violated;
  - the date and time the violation(s) was first observed and by whom;
  - the cause of the violation(s), if known
  - if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
  - if the violation(s) has not ceased, the anticipated date when it will be corrected;
  - steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
  - the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with Condition 11 of this permit.
12. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of any construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in

full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.

13. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom 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 that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”

14. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director  
Water Planning and Management Division  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

15. **Notification of Project Initiation.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.

16. **De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
17. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
18. **Removal of Structures.** Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
19. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
20. **Initiation of Construction.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
21. **Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air,

water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

22. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining a ny structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under Condition 18 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
23. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
24. **Expiration.** This permit shall expire on [25 years].

Issued by the Commissioner of Energy and Environmental Protection on:

\_\_\_\_\_  
Date

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Betsey Wingfield  
Deputy Commissioner