

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.  
Commissioner

Dannel P. Malloy  
Governor  
Nancy Wyman  
Lt. Governor

Drinking Water Section

October 24, 2016

The Honorable Mark D. Boughton, Mayor  
City Hall  
155 Deer Hill Road  
Danbury, CT 06810

SUBJECT: Declaration and Order for the City of Danbury

Dear Mayor Boughton:

Attached you will find the Department of Public Health "Declaration & Order" that is hereby issued in consultation with the Department of Energy and Environmental Protection ("DEEP") and the Public Utilities Regulatory Authority ("PURA").

If you have any questions concerning this Order and its terms, please do not hesitate to contact me at 860-509-7333.

Sincerely,

A handwritten signature in cursive script that reads "Lori Mathieu".

Lori Mathieu  
Public Health Section Chief  
Drinking Water Section

cc: Deputy Commissioner Yvonne Addo, DPH: [yvonne.addo@ct.gov](mailto:yvonne.addo@ct.gov)  
Deputy Commissioner Michael J. Sullivan, DEEP: [michael.j.sullivan@ct.gov](mailto:michael.j.sullivan@ct.gov)  
Commissioner John W. Betkoski, III, PURA: [john.betkoski@ct.gov](mailto:john.betkoski@ct.gov)  
Acting Under Secretary David LeVasseur, OPM: [david.levasseur@ct.gov](mailto:david.levasseur@ct.gov)  
David Day, Danbury Water Department: [d.day@danbury-ct.gov](mailto:d.day@danbury-ct.gov)  
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Rudy Marconi, First Selectman, Ridgefield: [selectman@ridgefieldct.org](mailto:selectman@ridgefieldct.org)  
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### DECLARATION AND ORDER

Pursuant to section 25-32b of the General Statutes (*Conn. Gen. Stat.*), the Commissioner of Public Health ("Commissioner"), in consultation with the Commissioner of Energy and Environmental Protection and the Public Utilities Regulatory Authority ("PURA"), upon receipt of information that a public water supply emergency exists, is imminent or can reasonably be expected to occur without the immediate implementation of conservation practices, hereby declares a public drinking water supply emergency in Danbury ("Declaration"). Such Declaration is based upon the following information received by the Department of Public Health ("the Department") from the City of Danbury ("Danbury"):

1. Danbury is a water company, as defined in *Conn. Gen. Stat.* § 25-32a, that owns and operates a public water system serving Danbury. In addition, Danbury sells water to the following public water systems:
  - a. Cornell Hills Association Inc. located in Danbury;
  - b. Aquarion Water Company of Connecticut's ("Aquarion") Berkshire System located in Bethel;
  - c. Aquarion's Ken Oaks System located in Danbury;
  - d. Aquarion's Hollendale Estates System located in Danbury;
  - e. Aquarion's Rolling Ridge System located in Danbury;
  - f. Aquarion's McKeon System located in Ridgefield; and
  - g. Aquarion's Barnum System located in Ridgefield.
2. Danbury's sources of supply consist of surface water sources, which are located in Danbury, New Fairfield and Ridgefield, and ground water sources located in Danbury. The total usable storage capacity for the West Lake, East Lake and Margerie Lake Reservoir Systems is 2,792 million gallons.
3. Danbury has a diversion permit from the Department of Energy and Environmental Protection ("DEEP") authorizing it to divert water from West Lake Reservoir, Boggs Pond, Upper Kohanza Reservoir, Lower Kohanza Reservoir, Margerie Lake Reservoir, East Lake Reservoir, Lake Kenosia, and Lake Kenosia Wells numbered 1, 2 and 3 ("Diversion Permit Number DIV-201205645"). Under Diversion Permit Number DIV-201205645, Danbury is authorized to withdraw a total combined maximum of 2.5 million gallons per day ("mgd") of



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ground water from Lake Kenosia Wells numbered 1, 2 and 3, a maximum of 10.0 mgd from West Lake Reservoir and a maximum of 5.5 mgd from Margerie Lake Reservoir.

4. On November 17, 2014, Danbury and the Department entered into a Consent Agreement (“Agreement”) to resolve through a negotiated agreement the use of the Lake Kenosia Flood Skimming Pump Station for flood skimming to divert water from Lake Kenosia to the West Lake Reservoir (“November 14, 2014 Lake Kenosia Consent Agreement”). *See* Attachment. Under the Agreement, Danbury is permitted to use Lake Kenosia as a source of available water supply until June 30, 2024, in accordance with the Lake Kenosia Flood Skimming procedures set forth in Exhibit A of the Agreement, and pursuant to the issuance of a *Conn. Gen. Stat.* § 25-32b emergency order issued by the Commissioner. The Agreement requires Danbury to provide a written request for a *Conn. Gen. Stat.* § 25-32b emergency order to the Commissioner two weeks prior to the date of Danbury’s need to use Lake Kenosia as a source of supply. Danbury is also required under the Agreement to provide with such request raw water data, as outlined in § 19-13-B102(c) of the Regulations of Connecticut State Agencies, from Lake Kenosia demonstrating that the water is within acceptable water quality parameters. Such raw water data is required to be dated not more than seven days prior to the date that Danbury’s submits its written request to the Commissioner.
5. Danbury’s average daily demand for September 2016 was 7.0 mgd.
6. Danbury’s average daily demand for October 1 through October 14, 2016 was 6.2 mgd.
7. On October 12, 2016, the Mayor of Danbury issued a press release in which he requested that all water customers initiate water conservation measures and specifically reduce all non-essential water use. Danbury’s reservoir levels were at 66 percent of full capacity, which is approximately 11 percent below normal for this time of year. Danbury posted such press release on its Internet webpage.
8. On October 14, 2016, Danbury submitted a letter to the Department requesting that the Commissioner allow the Lake Kenosia Diversion to be activated through the operation of the Kenosia Flood Skimming Pump Station in accordance with Exhibit A of the Agreement. Danbury attached to the request raw water data for Lake Kenosia dated October 4, 2016 (“October 14, 2016 Request”).
9. As of October 17, 2016, Danbury’s current usable storage capacity for the West Lake, East Lake and Margerie Lake Reservoir Systems was 1,770 million gallons or 268 days of water supply available to its customers.

### ORDER

Pursuant to *Conn. Gen. Stat.* § 25-32b, and based on the Declaration, the Commissioner hereby orders the following:

1. Danbury is authorized to use Lake Kenosia as a source of available water supply in accordance with Danbury’s Lake Kenosia Flood Skimming procedures set forth in Exhibit A of the Agreement. In light of the immediate need for the Declaration, the Department hereby waives the timing requirements in the Agreement that Danbury file any request for a *Conn. Gen. Stat.*

§ 25-32b order at least 14 days prior to the date of its need to use Lake Kenosia as a source of available water supply and that the raw water data submitted by Danbury be collected within 7 days of a request for such order.

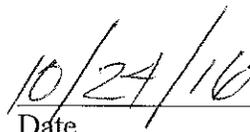
2. Danbury shall institute and enforce a mandatory ban on outdoor water use in Danbury.
3. Danbury shall work with the Cornell Hills Association Inc., a water company to which Danbury sells water, to ensure it is implementing a mandatory ban on outdoor water use.
4. Danbury shall work with Aquarion to ensure that the communities that receive water purchased from Danbury by Aquarion are implementing mandatory bans on outdoor water use.
5. Within sixty days of the date of this Order, Danbury shall update its water conservation and emergency contingency plans in its water supply plan prepared pursuant to *Conn. Gen. Stat.* § 25-32d and submit such updated plans to the Department, DEEP and PURA for review and approval. It shall specifically update its trigger levels by resetting the percentage of each of the trigger levels.
6. Danbury shall not add any new customers to its public water system without the Department's review and approval.
7. Danbury shall implement a program for reducing unaccounted for water by calibrating supply and main line meters, calibrating consumers' meters, taking pipeline flow measurements, conducting leakage surveys, and inspecting bleeders.
8. Danbury shall maximize the use and production of all its registered and permitted sources of supply and interconnections that are registered and permitted by DEEP pursuant to *Conn. Gen. Stat.* §§ 22a-365 through 22a-378, inclusive. If Danbury is unable to maximize the use of a source or sources of supply, it shall provide to the Department on or before October 31, 2016, a report explaining what Danbury needs to do to maximize them.
9. Danbury shall monitor the water entering the treatment plant at the West Lake Reservoir for the following: bacteriological and physical parameters on a daily basis, the two cyanotoxins (microcystin and cylindrospermopsin) and water quality parameters on a weekly basis, and inorganic chemicals and pesticides at least monthly.
10. Danbury shall ensure that water quality in its water service area continues to meet all state and federal drinking water standards, including § 19-13-B102 of the Regulations of Connecticut State Agencies and the federal Safe Drinking Water Act. In addition, Danbury shall log and share weekly with the Department and Danbury's local health department all consumer complaints it receives. Finally, Danbury shall develop and submit to the Department, on or before October 28, 2016, a plan regarding how it will test weekly for corrosion throughout Danbury's water service area.
11. Danbury shall identify and conduct a water audit of Danbury's top twenty largest water users. In addition, Danbury shall assist such large users in identifying ways in which to reduce usage. With respect to such water audits, Danbury shall:

- a. Hire a consultant with expertise in conducting water audits to conduct such audits;
  - b. Submit a water audit findings report to the Department within sixty days of issuance of this Order.
  - c. Publish on its Internet webpage the water audit findings and a calculation of any water saved through conducting such audit.
12. Danbury shall weekly report to the Department, DEEP, and the local health directors in Danbury, Bethel and Ridgefield, and shall weekly publish the following on Danbury's Internet webpage:
- a. Information regarding Danbury's supply and demand. With respect to Danbury's sources of supply, such information shall include at a minimum the weekly measurements of water elevation, instantaneous usable storage capacity, reservoir withdrawals and the amount of precipitation as well as the number of supply days left in such sources of supply.
  - b. Information regarding the daily diversion of water authorized in paragraph 1 of this Order. Danbury shall report the total amount of water diverted in each twenty-four hour period in mgd.
  - c. Information regarding Danbury's conservation practices and the effect of such practices on Danbury's supply and demand.
  - d. The results of the water quality monitoring required in paragraph 9 of this Order.
  - e. Information regarding Danbury's communications with the Cornell Hills Association Inc. and Aquarion, the water companies to which Danbury sells water.
  - f. Information regarding the effectiveness of the demand reduction efforts by the Cornell Hills Association Inc. and Aquarion. The effectiveness of the demand reduction efforts shall be measured by taking weekly readings of the water sold to the Cornell Hills Association Inc. system and each of the Aquarion's systems at all active interconnections.
  - g. Documentation regarding the stream flow conditions in the Still River and any adverse environmental outcomes resulting from Danbury's use of Lake Kenosia as a source of available water supply authorized in paragraph 1 of this Order.
13. Danbury shall develop a local business committee that represents all outdoor water use businesses, such as nurseries, landscapers, irrigation companies, golf courses, and parks, that are customers of Danbury. Such committee shall also include representatives from Danbury. The purpose of such committee is to ensure the communication of, and consistency and compliance with, outdoor water bans issued by Danbury, and to discuss and address any concerns or issues members of such committee may have with respect to outdoor water bans.
14. Danbury shall develop communication materials for businesses affected by a mandatory ban on outdoor water use and shall post such materials on its Internet webpage.

This Order shall remain in effect for not more than thirty days. The Commissioner may extend such order for additional periods of thirty days up to one hundred fifty days, consistent with the contingency procedures for a public drinking water supply emergency in Danbury's water supply plan approved pursuant to *Conn. Gen. Stat. § 25-32d*, to the extent the Commissioner deems appropriate.



Raul Pino, MD, MPH  
Commissioner



Date

Attachment: November 14, 2014 Lake Kenosia Consent Agreement

cc: Commissioner Rob Klee, Department of Energy and Environmental Protection  
Commissioner John w. Betkoski, Public Utilities Regulatory Authority