

IN THE MATTER OF

: APPLICATION NO. DIV-200500172

***AQUARION WATER COMPANY
(TORRINGTON WATER COMPANY)***

: MAY 29, 2007

FINAL DECISION

The parties in this matter have submitted an Agreed Draft Decision resolving all issues in controversy, which the hearing officer has accepted.¹ Regs., Conn. State Agencies §§ 22a-3a-6(l)(3)(A)(i) and (ii). I adopt this agreement (Attachment A) as my Final Decision and authorize issuance of the revised draft permit.

/s/Gina McCarthy _____
Gina McCarthy
Commissioner

¹ With the consent of the parties, the hearing officer did not issue a proposed final decision in this matter. §§22a-3a-6(d)(2)(I), 22a-3a-6(l)(3)(A)(ii).

PARTY LIST

In the Matter of Aquarion/Torrington Water Companies
Application #DIV-200500172

PARTY

REPRESENTED BY

APPLICANTS

Aquarion Water Company

Tricia Haught, Esq.
Day, Berry & Howard, LLP
CityPlace I
Hartford, CT 06103

Torrington Water Company

Gregory A. Sharp, Esq.
Aimee L. Hoben, Esq.
Murtha Cullina, LLP
CityPlace 1 - 29th Floor
185 Asylum Street
Hartford, CT 06103-3469

DEP

Brian Golembiewski
Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

INTERVENORS

Connecticut Fund for the Environment
Rivers Alliance of Connecticut
The Housatonic Valley Association, Inc.
Environment
Trout Unlimited

Roger Reynolds, Esq.
Senior Staff Attorney
Connecticut Fund for the

205 Whitney Avenue
New Haven, CT 06511

Connecticut Water Works Association

Elizabeth Gara
Executive Director
25 Capital Avenue
Hartford, CT 06106

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF: : APPLICATION NO. DIV-200500172
: :
: :
APPLICATION OF AQUARION WATER :
COMPANY AND TORRINGTON WATER : MAY 11, 2007
COMPANY

AGREED DRAFT DECISION

I. Introduction

Pursuant to § 22a-3a-6(1)(3)(A)(ii) of the Rules of Practice of the Connecticut Department of Environmental Protection (the "DEP"), the applicants Aquarion Water Company of Connecticut and Torrington Water Company (the "Applicants"), together with the DEP, and intervenors Rivers Alliance of Connecticut, Connecticut Water Works Association, Connecticut Fund for the Environment, Housatonic Valley Association and Trout Unlimited (the "Intervenors"), hereby respectfully submit this Agreed Draft Decision in resolution of the above-captioned application matter. The proposed Draft Permit dated April 23, 2007, as agreed upon by the DEP, the Applicants and the Intervenors, is attached hereto as Exhibit A.

Furthermore, pursuant to § 4-179 of the Connecticut General Statutes, the parties and the DEP waive the filing of a written Proposed Final Decision by the Hearing Officer.

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MAY 11 2007

DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

II. Brief Procedural History

By application dated December 23, 2004, as amended by addendum dated February 15, 2006, the Applicants sought to renew water diversion permit DIV-91-24, which authorized the transfer of water from the Torrington Water Company system in Torrington to the Aquarion Water Company system in Litchfield. The Applicants also requested an increase in the maximum transfer of water from the Torrington Water Company system to the Aquarion Litchfield system, via an upgraded, existing interconnection, from 0.2 million gallons per day (“mgd”) to 0.4 mgd. The applicant, Aquarion Water Company, sought this additional supply source to meet current and projected maximum day system demands. The Applicants requested the permit be issued for a period of 25 years.

On June 5, 2006, the DEP published a Notice of Tentative Determination and Intent to Waive Public Hearing, finding that the application was complete and determining that the proposed diversion: “(1) is necessary, (2) will not significantly affect long-range water resources management, and (3) will not impair proper management and use of the water resources of the State.” (DEP’s June 5, 2006 Notice of Determination.) A Draft Permit dated June 5, 2006 and revised July 10, 2006 was developed by the DEP, which included both General and Special Conditions. A petition, dated July 4, 2006, was signed by twenty-five or more people and filed with the DEP to hold a public hearing. Pursuant to this request, the DEP held a public hearing on October 17, 2006.

III. Outline of Issues In Controversy

The Applicants objected to the requirements of Special Condition No. 5 of the DEP's revised proposed Draft Water Diversion Permit dated July 10, 2006. Special Condition No. 5 sought to impose the following special condition captioned "Five Year Streamflow Evaluation and Impoundment Release Recommendation Report":

No later than June 15, 2012, the permittees shall submit a report which analyzes the stream gage records for Hart Brook and Nickel Mine Brook generated pursuant to Special Condition Nos. 1, 2 and 3, and includes a narrative that evaluates whether releases from Reuben Hart Reservoir and Allen Pond can be operated so that flows year round within Hart Brook and Nickel Mine Brook can improve the aquatic resources and water quality of the two watercourses so that they can be removed from the *DEP List of Connecticut Waterbodies not Meeting Water Quality Standards*, as revised. This narrative should include, but not be limited to, (1) Torrington Water Company's needs in regards to providing adequate water supply; (2) an analysis of the collected stream flows and impoundment surface elevation data; and (3) a description of the hydrologic conditions during the five-year stream gaging period. The report must include a final recommended monthly minimum flow release regime from the Reuben Hart Reservoir and Allen Pond in cubic feet per second, which Torrington Water Company can maintain for the duration of the permit. The Commissioner shall evaluate the report and make a final decision to modify the permit to require the recommended monthly minimum flow release regime from Reuben Hart Reservoir and Allen Dam Reservoir. The Commissioner may modify the required monthly minimum flow release regime in accordance with the regulations promulgated pursuant to Section 26-141b of the Connecticut General Statutes.

The Applicants objected to Special Condition No. 5 on the grounds that: (i) the minimum flow release requirement is premature in that streamflow standard regulations are under development, those regulations when adopted will address the requirements of this special condition, and developing a flow release plan independently of the regulations is not prudent; and (ii) the requested transfer of water between the two systems has no impact on the impaired stream segments.

The Intervenor Connecticut Water Works Association likewise objected to the terms of the revised Draft Permit dated July 10, 2006, specifically Special Condition #5, raising the following

legal issues: (1) whether the DEP has the legal authority to require streamflow releases as a condition of a diversion permit application issued pursuant to §§ 22a-365 through 22a-378 of the General Statutes; (2) whether the DEP has the authority to regulate stream flow releases which are intended to mitigate impacts unrelated to the diversion permit application as a condition of a diversion permit application issued pursuant to §§ 22a-365 through 22a-378 of the General Statutes; (3) whether DEP's attempt to require streamflow releases as a condition of a diversion permit application issued pursuant to §§ 22a-365 through 22a-378 of the General Statutes conflicts with minimum streamflow regulations promulgated pursuant to §§ 26-141a and 26-141b of the General Statutes; and (4) whether the DEP's attempt to require streamflow releases as a condition of a diversion permit application pursuant to §§ 22a-365 through 22a-378 of the General Statutes conflicts with Public Act 05-142, which directs the DEP to develop water flow regulations.

The Intervening parties Rivers Alliance of Connecticut, Connecticut Fund for the Environment, Housatonic Valley Association and Trout Unlimited sought to enforce the DEP's imposition of Special Condition #5, asserting that "the conduct that the Applicants propose will have, or will be reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the waters or other natural resources of the State of Connecticut in violation of Section 22a-19 of the General Statutes and will have an effect on existing water conditions, fish and wildlife as a result of flow alteration, pursuant to Conn. Gen. Stat. § 22a-373 and is not necessary or compatible with long range water planning and proper management and use of the water resources of Connecticut in violation of Section 22a-366 of the General Statutes." (Oct. 13, 2006 Notice of Intervention and Request for Notice of Meetings at 2.) Specifically, these intervenors alleged that "feasible and prudent alternatives exist to the Applicants' proposal, such as

conducting further studies of impairments of Hart Brook and Nickel Mine Brook and increasing releases from the Reuben Hart Reservoir and the Allen Dam Reservoir to restore the respective streams to their unimpaired conditions.” Id.

The DEP asserted throughout the proceedings that the Commissioner has the authority to require stream flow releases as a condition of a water diversion permit issued pursuant to §§ 22a-365 through 22a-378 of the General Statutes. Additionally, the DEP asserted that the requirement to provide streamflow releases as a condition of a diversion permit application issued pursuant to §§ 22a-365 through 22a-378 of the General Statutes does not conflict with the minimum streamflow regulations promulgated pursuant to §§ 26-141a and 26-141b of the General Statutes or with any water flow regulations developed by the DEP pursuant to Public Act 05-142.

IV. Resolution of Issues In Controversy

Collectively, the Applicants, the DEP and the Intervenors have reached agreement on the terms of the proposed Draft Permit dated April 23, 2007 and attached hereto. The proposed Draft Permit eliminates the need to adjudicate the above-described issues in controversy. Specifically, the proposed Draft Permit authorizes the Applicants to renew their diversion of a maximum of 0.200 mgd at a maximum rate of 500 gallons per minute from the Torrington Water Company supply system to the Aquarion Litchfield System water supply system via an existing interconnection at Pumping Station Road near Weed Road in Torrington for a period of seven years. Furthermore, the proposed Draft Permit eliminates Special Condition #5 of the Draft Permit dated July 10, 2006 and imposes sixteen Special Conditions, to the satisfaction of all of the parties’ concerns, including: (1) Special Conditions 1 and 2 – Stream Gage Installation and Maintenance ; (2) Special Condition 3 – Stream Gage Record Keeping and Reporting; (3) Special Condition 4 –

Stream Gage Inspection and Repair; (4) Special Condition 5 – Reservoir Water Surface Elevation Monitoring and Inflow Evaluation; (5) Special Condition 6 – Reservoir Withdrawal Monitoring; (6) Special Condition 7 – Reuben Hart Reservoir and Allen Dam Reservoir Flow Release Feasibility Scope and Report ; and (7) Special Condition 8 – Metering of Transfers.

V. Stipulation to Exhibits

Applicant Exhibits:

- APP-1. Torrington Water Diversion Registration Confirmation Letter from CTDEP dated November 15, 1993.
- APP-2. CTDEP Application No. DIV-200500172 (Application and all Addendums).
- APP-3. Notice of Insufficiency from CTDEP to Aquarion and Torrington dated September 6, 2005.
- APP-4. Response to Notice of Insufficiency from LBG to CTDEP dated November 15, 2005.
- APP-5. Request for Information from CTDEP to Aquarion and Torrington dated January 17, 2006.
- APP-6. Response to Request for Information from LBG to CTDEP dated February 15, 2006.
- APP-7. Draft Permit dated June 5, 2006 and CTDEP Notice of Tentative Determination dated June 5, 2006.
- APP-8. Draft Permit Comment Letter from LBG to CTDEP dated June 28, 2006.
- APP-9. Draft Permit, dated July 10, 2006 and CTDEP Response dated July 17, 2006 to Draft Permit Comment Letter.
- APP-10. Response to Questions from Northwest Conservation District from LBG to CTDEP dated August 31, 2006.

DEP Exhibits:

- DEP-1. State of Connecticut, Department of Environmental Protection, Notice of Tentative Determination, dated June 5, 2006 and attached Service List.
- DEP-2. State of Connecticut, Department of Environmental Protection, letters fulfilling Section 22a-6(h) notification requirements dated June 5, 2006.
- DEP-3. State of Connecticut, Department of Environmental Protection, Inland Water Resources Division Staff Review Memorandum dated 8/23/05, revised 5/23/06.
- DEP-12. Letter from Sean Hayden, Northwest Conservation District to CTDEP dated June 29, 2006.
- DEP-13. Petition to CTDEP to hold a public hearing dated July 4, 2006.
- DEP-15. State of Connecticut, Department of Environmental Protection, Notice of Public Hearing to be held October 17, 2006, dated September 5, 2006 and attached Service List.
- DEP-16. Draft Permit, dated April 23, 2007.

VI. Conclusion

For all of the foregoing reasons, and pursuant to § 22a-3a-6(1)(3)(A)(ii) of the Rules of Practice of the DEP, the Applicants, together with the DEP, and the Intervenors respectfully request that this Agreed Draft Decision be accepted by the Hearing Officer in resolution of the above-captioned application matter.

TORRINGTON WATER COMPANY

By Gregory A. Sharp

Gregory A. Sharp
Aimee L. Hoben
Murtha Cullina LLP
CityPlace I – 185 Asylum Street
Hartford, Connecticut 06103-3469
Telephone: (860) 240-6000
Facsimile: (860) 240-6150
Its Attorneys

AQUARION WATER COMPANY

By Tricia H. Foley

Tricia H. Foley
Day Pitney LLP
CityPlace I -185 Asylum Street
Hartford CT 06103-3499
Telephone: (860)275-0536
Facsimile: (860) 275-0343
Its Attorneys

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

By _____

Denise Ruzicka, Director
Inland Water Resources Division
Bureau of Water Management
79 Elm Street, 3rd Floor
Hartford, Connecticut 06106


TORRINGTON WATER COMPANY

By _____
Gregory A. Sharp
Aimee L. Hoben
Murtha Cullina LLP
CityPlace I – 185 Asylum Street
Hartford, Connecticut 06103-3469
Telephone: (860) 240-6000
Facsimile: (860) 240-6150
Its Attorneys

AQUARION WATER COMPANY

By _____
Tricia H. Foley
Day Pitney LLP
CityPlace I -185 Asylum Street
Hartford CT 06103-3499
Telephone: (860)275-0536
Facsimile: (860) 275-0343
Its Attorneys

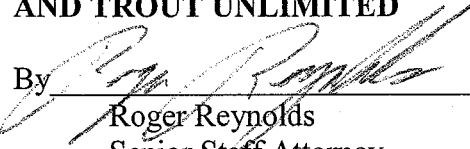
**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

By 
Denise Ruzicka, Director
Inland Water Resources Division
Bureau of Water Management
79 Elm Street, 3rd Floor
Hartford, Connecticut 06106

**CONNECTICUT WATER WORKS
ASSOCIATION**

By _____
Elizabeth Gara
Elizabeth Gara & Associates, LLC
25 Capitol Avenue
Hartford, CT 06106

**CONNECTICUT FUND FOR THE
ENVIRONMENT,
RIVERS ALLIANCE OF CONNECTICUT,
HOUSATONIC VALLEY ASSOCIATION, INC.,
AND TROUT UNLIMITED**

By  _____
Roger Reynolds
Senior Staff Attorney
Connecticut Fund for the Environment
205 Whitney Avenue
New Haven, CT 06511

**CONNECTICUT WATER WORKS
ASSOCIATION**

By 

Elizabeth Gara
Elizabeth Gara & Associates, LLC
25 Capitol Avenue
Hartford, CT 06106

**CONNECTICUT FUND FOR THE
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AND TROUT UNLIMITED**

By _____

Roger Reynolds
Senior Staff Attorney
Connecticut Fund for the Environment
205 Whitney Avenue
New Haven, CT 06511

CERTIFICATE OF SERVICE

I, Gregory A. Sharp, hereby certify that the foregoing was sent via hand delivery, on May 11, 2007 to the following persons at the following addresses:

Jean F. Dellamarggio
Hearing Officer
Office of Adjudications
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

with a copy sent via facsimile to:

Denise Ruzicka, Director
Brian Golembiewski, Environmental Analyst 3
Inland Water Resources Division
Bureau of Water Management
Department of Environmental Protection
79 Elm Street, 3rd Floor
Hartford, Connecticut 06106

Tricia H. Foley
DAY PITNEY LLP
CityPlace I -185 Asylum Street
Hartford CT 06103
Attorneys for Aquarion Water Company

Roger Reynolds
Senior Staff Attorney
Connecticut Fund for the Environment
205 Whitney Avenue
New Haven, CT 06511
(On behalf of Connecticut Fund for the Environment,
Rivers Alliance of Connecticut,
Housatonic Valley Association, and
Trout Unlimited)

Elizabeth Gara
Elizabeth Gara & Associates, LLC
Connecticut Water Works Association
25 Capitol Avenue
Hartford, CT 06106

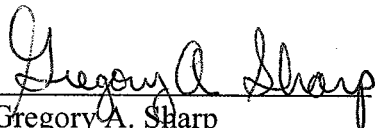

Gregory A. Sharp

Exhibit A
DRAFT PERMIT revised 4/23/07

PERMITTEES: Aquarion Water Company of Connecticut
600 Lindley Street
Bridgeport, CT 06606
Attn: Lan Mu

Torrington Water Company
P.O. Box 867
Torrington, CT 06790
Attn: Richard Calhoun

PERMIT NO.: DIV-200500172
TOWNS: Torrington, Litchfield, Norfolk and Goshen
WATERS: North Pond Reservoir, Reuben Hart Reservoir, Whist Pond and Allen
Dam Reservoir, Hart Brook, Drake Pond Brook, and Nickel Mine Brook

Pursuant to Connecticut General Statutes section 22a-368, the Torrington Water Company and the Aquarion Water Company of Connecticut (the "permittees") are hereby authorized to divert the waters of the state at an interconnection located at Pumping Station Road, near Weed Road in Torrington (the "site") in accordance with permittees' application dated December 23, 2004, filed with this Department on January 27, 2005 and described herein. The purpose of the diversion is to provide a source of potable water to meet the demands of the Aquarion Litchfield System water supply system.

AUTHORIZED ACTIVITY

The permittees are authorized to divert a maximum of 0.200 million gallons per day at a maximum rate of 500 gallons per minute from the Torrington Water Company water supply system to the Aquarion Litchfield System water supply system via an existing interconnection at Pumping Station Road near Weed Road in Torrington. The withdrawal of water shall be conducted in accordance with plans entitled "entitled "Contract Drawings Garage and Pump Station, Torrington Water Company, Torrington, Connecticut," Drawing Nos. S1, S2 and 1 through 5, dated 2/8/06, and prepared by Buck & Buck Engineers, and in accordance with documentation submitted in the application.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

- 1. Stream Gage Installation and Maintenance.** Permittees shall provide in writing to the Department within 60 days of the issuance of this permit the exact location and design of a staff gage within Hart Brook which shall measure the total volume of water discharged from the Hart Brook Reservoir for the purpose of monitoring stream flow. Within 90 days of the Department's approval of the location and design of the staff gage, weather permitting, the permittee's shall install and maintain such gage as approved. The permittee shall develop a rating curve for the gage and, no later than January 31, 2008, shall provide a copy of such preliminary rating curve to the Department. Stream gaging, calibration of the gage, and measurements shall conform to the procedures described in the U.S. Geological Survey, Techniques for Water-Resources Investigations, Book 3, Chapter A6, R.W. Carter and Jacob Davidian, 1968; Chapter A7, T. J. Buchanan and W.P. Somers, 1968; and Chapter A8, T.J. Buchanan and W.P. Somers, 1969 ("USGS standards"). The permittees shall maintain the gage(s) for the duration of the permit, including re-calibration and development of a new rating curve, as field conditions warrant.
- 2. Stream Gage Installation and Maintenance.** Permittees shall provide in writing to the Department within 60 days of the issuance of this permit the exact location and design of a staff gage within Nickel Mine Brook which shall measure the total volume of water discharged from the Allen Dam Reservoir for the purpose of monitoring stream flow. Within 90 days of the Department's approval of the location and design of the staff gage, weather permitting, the permittee's shall install and maintain such gage as approved. The permittee shall develop a rating curve for the gage and, no later than January 31, 2008, shall provide a copy of such preliminary rating curve to the Department. Stream gaging, calibration of the gage, and measurements shall conform to the procedures described in the U.S. Geological Survey, Techniques for Water-Resources Investigations, Book 3, Chapter A6, R.W. Carter and Jacob Davidian, 1968; Chapter A7, T. J. Buchanan and W.P. Somers, 1968; and Chapter A8, T.J. Buchanan and W.P. Somers, 1969 ("USGS standards"). The permittees shall maintain the gage(s) for the duration of the permit, including re-calibration and development of a new rating curve, as field conditions warrant.
- 3. Stream Gage Record Keeping and Reporting** The permittees shall take stream stage readings from the gage(s) in Hart Brook and Nickel Mine Brook on a daily basis for the duration of the permit and convert it to a flow value using the stream gage discharge rating curves submitted to the Department pursuant to Special Condition Nos. 1 and 2. The permittees shall record both the stage reading, the date and time of the reading and the converted flow value at the time of measurement. . A copy of the daily stream gage records shall be included in the Annual Report to the Commissioner required by Special Condition No. 16 of this permit.
- 4. Stream Gage Inspection and Repair.** The permittees shall maintain the stream gages in good working order and shall check once each year to determine whether re-calibration is necessary to meet the USGS standards referenced above. The stream gage discharge rating curve shall be re-calibrated if there is reason to believe the stream cross-section has changed or if the staff gage has been moved, damaged, or dislodged by stream flows

or otherwise rendered inaccurate or inoperable. If the DEP claims such changes have occurred, then the gage shall be reinstalled if necessary and re-calibrated by the permittees to the satisfaction of the Commissioner.

5. **Reservoir Water Surface Elevation Monitoring and Inflow Evaluation.** The permittees shall take water surface elevation readings from Reuben Hart Reservoir and Allen Dam Reservoir on a daily basis. The permittees shall record the water surface elevation of the two reservoirs and the date and time of the reading. Based upon the reservoir withdrawal monitoring and reservoir water surface elevation monitoring the permittees shall calculate the daily inflow to each reservoir. A copy of the daily reservoir water surface elevation records, the daily withdrawal record and the calculated daily inflows shall be included in the Annual Report to the Commissioner required by Special Condition No. 16 of this permit.
6. **Reservoir Withdrawal Monitoring.** The permittees shall record the total volume of water withdrawn from Reuben Hart Reservoir and Allen Dam Reservoir on a daily basis. The permittees shall maintain totalizing flow meters at each reservoir to measure the total amount of water withdrawn each day for public water supply purposes and shall for the duration of this authorization continuously operate and maintain such meters in good working order. In the event of meter malfunction or breakage, the permittees shall repair or replace such meters as soon as reasonable practicable, but in no case longer than in 30 days. The permittees shall record the total volume withdrawn in gallons, the date and time of the reading.
7. **Reuben Hart Reservoir and Allen Dam Reservoir Flow Release Feasibility Scope and Report.**
 - a. **Scope of Study.** No later than five (5) years from the date of this permit, the permittees shall submit to the Department for review and approval a narrative Scope of Study prepared by a professional engineer licensed in the State of Connecticut which details the scope of engineering alternatives and range of flow releases, the latter to be provided by the Commissioner, which will be utilized for the Engineering Feasibility Study set forth below.
 - b. **Engineering Feasibility Study.** Within one (1) year of the Department's approval of the Scope of Study, the permittees shall submit a final Engineering Feasibility Study which evaluates the engineering feasibility and construction costs of the alternative methods from the approved Scope of Study for providing flow releases from Reuben Hart Reservoir to the segment of Hart Brook between Reuben Hart Reservoir and the West Branch Naugatuck River and from Allen Dam Reservoir to the segment of Nickel Mine Brook between Crystal Lake and the West Branch Naugatuck River.
8. **Metering of Transfers.** The permittees shall maintain a totalizing flow meter to measure the total amount of water transferred each day from the Torrington Water Company water supply system to the Aquarion Litchfield System water supply system via the interconnection located at Pumping Station Road, near Weed Road in Torrington

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 permittees shall repair or replace such meter within 72 hours.

9. **Daily Transfer Record.** The permittees shall maintain a daily record of the meter readings indicating the total volume of water in gallons transferred from the Torrington Water Company water supply system to the Aquarion Litchfield System water supply system 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 Special Condition No. 16 of this permit.
10. **Five-Year Monitoring Report Submittal.** Prior to the expiration date of the permit, the permittees shall submit a written report, prepared by a professional engineer licensed in the State of Connecticut, or other qualified professional, which includes a minimum of five years of the daily stream gage records, daily reservoir water surface elevations and daily reservoir withdrawal records and an analysis of this data to estimate the daily inflows to the Reuben Hart Reservoir and Allen Dam Reservoir.
11. **Leak Detection.** On or before November 1, 2010, the permittees shall conduct a system wide comprehensive leak detection survey of the Torrington Water Company and the Aquarion Litchfield System 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. No later than January 15, of the following year, the permittees 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 Special Condition No. 16 of this permit.
12. **Meter Calibration and Reporting.** The permittees shall biennially beginning in the year following the issuance of the permit test and calibrate the interconnection meter within two percent accuracy as shown through a post-calibration test and the withdrawal meters at Reuben Hart Reservoir and Allen Dam Reservoir to within ten percent accuracy as shown through a post-calibration test. The permittees shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittees shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
13. **Long-range Water Conservation Plan.** The permittees shall implement their Long-range Water Conservation Plans, as described in the permittees' application, and in accordance with the permittees' Water Supply Plan as approved pursuant to CGS Section 25-32d and any amendments or updates thereto. The permittees 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 Special Condition No. 16 of this permit.

- 14. 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 permittees shall maintain a copy of this permit on site at all times. The permittees 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.
- 15. Recording and Reporting Violations.** Within 48 hours after the permittees learns of a violation of this permit, the permittees shall submit in writing a report of the violation to the Commissioner. Such report shall be certified in accordance with General Condition #11 and shall include the following information:

 - a. The provision(s) of this permit that has been violated;
 - b. The date and time the violation(s) was first discovered and by whom;
 - c. The cause of the violation(s), if known;
 - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
 - e. If the violation(s) has not ceased, the anticipated date when it will be corrected; and
 - f. Actions taken and actions planned to prevent a reoccurrence of the violation(s) and the date(s) such actions were implemented or will be implemented.
- 16. Annual Reporting.** The permittees shall submit by February 28 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:

 - a. A copy of the records documenting the daily transfer of water from the Torrington Water Company to the Aquarion Litchfield System as required by Special Condition Nos. 8 and 9 of this permit;
 - b. Denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization;
 - c. Summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and Water Conservation Plan and description of actual or estimated water savings achieved, as required by Special Condition No. 13 of this permit;
 - d. A copy of the leak detection report as required by Special Condition No. 11 of this permit.
 - e. A copy of the stream gage record and stream flow as required by Special Condition Nos. 1, 2 and 3 of this permit.
 - f. A copy of the reservoir water surface elevation and calculated daily reservoir inflow records as required by Special Condition No. 5 of this permit.

GENERAL CONDITIONS

1. The permittees 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.
2. The permittees may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittees 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 permittees 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.
3. 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, 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.
4. Unless the permittees maintain in optimal condition any structures or facilities authorized by this permit, the permittees shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittees. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittees may be subject to any other remedies or penalties provided by law.
6. 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.
7. 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 permittees 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.

8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittees 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 permittees 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.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire seven (7) years from the date of issuance.
11. **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 permittees or a responsible corporate officer of the permittees, a general partner of the permittees, 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 and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."
12. **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
DEP/Inland Water Resources Division
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" as used in this

permit 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.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on .

Gina McCarthy
Commissioner