



STATE OF CONNECTICUT)	
)	
vs.)	DIV-2017-1001V
)	
TOWN OF COLCHESTER)	

CONSENT ORDER

A. With the agreement of the Town of Colchester ("Respondent") the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. Respondent was issued a Water Diversion Permit (DIV-200001276) on January 6, 2003 authorizing the withdrawal of groundwater at the Cabin Road Wellfield, Judd Brook Wellfield, and Country Place Well to provide public water supply.
2. The expiration date of Permit DIV-200001276 ("the expired permit") was December 20, 2017.
3. On November 21, 2017 staff of the Department of Energy and Environmental Protection ("DEEP") notified the Respondent of the expired permit's expiration date via email to Colchester's Public Works Department.
4. Receiving no response, DEEP staff contacted Colchester's Public Works Department by phone to discuss the expired permit's impending expiration.
5. Respondent was unable to submit a timely renewal application pursuant to Section 22a-6j of the Connecticut General Statutes (CGS).
6. The wells authorized by the expired permit comprise Respondent's sole active public water supplies, and in order to protect the public health and safety of Colchester's residents, the withdrawal cannot be suspended.
7. Special Condition 4 of the expired permit requires Respondent to annually report a daily record of water withdrawn from authorized wells to the Commissioner.
8. Special Condition 5 of the expired permit requires Respondent to annually submit source meter calibration accuracy test results to the Commissioner.
9. A search of DEEP files indicates no permit annual reports were submitted by the Respondent to the Commissioner for reporting years 2012, 2014, 2015 or 2016.

By virtue of the above, Respondent has allowed the expired permit to lapse and is now in violation of the permitting requirements of 22a-368 CGS.

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, orders the Respondent as follows:

1. Temporary Permission. Respondent may, on a temporary basis, maintain the unpermitted diversions previously authorized by the expired permit until such a time as the

Commissioner approves a new permit for the previously authorized activities, provided Respondent:

- a. Complies with the requirements of this Consent Order;
 - b. Attends any pre-application meeting as required by the Commissioner;
 - c. Submits a complete water diversion permit application and all applicable fees to reauthorize those activities previously authorized by the expired permit by June 1, 2018;
 - d. Responds to any Notice of Insufficiency or Request for Information issued by the Commissioner in a timely manner; and
 - e. Continues to comply with all requirements and conditions of the expired permit until such a time as the Commissioner approves a new permit for those activities previously authorized by the expired permit.
2. Permit Annual Reports. Respondent shall submit their 2012, 2014, 2015 and 2016 annual reports as required by Special Conditions 4 & 5 of the expired permit within thirty (30) days of the date of issuance of this consent order.
3. 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.
4. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
5. 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.
6. 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 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."

7. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
8. 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.
9. 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.
10. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
11. 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.
12. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the regulated areas without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
13. 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.
14. 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.

15. 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 telephone the individual identified in the next 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.
16. 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:

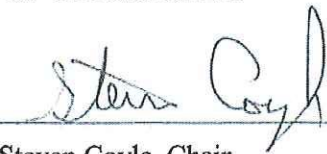
Director
Water Planning and Management Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

17. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this consent order.

Respondent 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 Respondent to the terms and conditions of the consent order.

TOWN OF COLCHESTER

BY:



Steven Coyle, Chair
Colchester Sewer and Water Commission

1/3/2018

Date



James Paggioli, Director
Colchester Public Work Department

1/3/2018

Date

Issued as a final order of the Commissioner of Energy and Environmental Protection.



Robert J. Klee
Commissioner

1/22/2018

Date

