DEPARTMENT OF PUBLIC HEALTH

SUPPLEMENTAL MATERIALS IN SUPPORT OF THE
APPLICATION FOR SOURCE ABANDONMENT SUBMITTED BY
THE METROPOLITAN DISTRICT ON APRIL 20, 2023

AFFIDAVIT OF DAVID BANKER

STATE OF CONNECTICUT :
: ss. Hartford, Connecticut
COUNTY OF HARTFORD :

I, David Banker, the undersigned, being duly sworn, do hereby depose and state the following:

1. I am over the age of 18 and understand the obligations of an oath;
2. I am a licensed Professional Engineer and the "Senior Project Manager, Technical Services" for The Metropolitan District ("MDC") and have held this position for over three years. Previous to my current position, I served the MDC as a "Project Manager" and have worked with MDC's water supply system for more than fifteen years including experience in surface water analysis.
3. In my capacity as Senior Project Manager, Technical Services, I have personal knowledge of the facts and circumstances stated herein and the application for source abandonment submitted by the MDC on April 20, 2023, and of the MDC's water supply system, including Water Supply Plans submitted to the CT Department of Public Health.
4. As explained below, it is my professional opinion that a safe yield relating to an available source of a supply of drinking water cannot be determined for the

MDC's 10 billion-gallon storage space in Colebrook River Lake due to the limited control the MDC has over inflow to the lake, shared ownership, and associated water withdrawal rights, by three parties of water within the lake, downstream release requirements from the lake, all of which lend to the unpredictable, and often nonexistent, volume of water within the MDC's designated storage space.

5. The United States Army Corps of Engineers (USACE) operates the lake and dam as a flood control facility and routinely releases the majority of water throughout the spring, summer and fall seasons to ensure adequate flood storage space in the event of one or more large storms, the frequency and intensity of such events being impossible to predict.
6. Operation of the Colebrook River Lake Dam by USACE as a flood control facility is fundamentally contrary to operation of a dam for drinking water reservoir purposes.
7. The Farmington River Power Company (FRPCo) owns the legal rights to approximately 14% of the upstream watershed (Otis Reservoir) which requires the MDC to pass through all releases from the Otis Reservoir to supply the Rainbow Dam facility in Windsor. In accordance with these rights, the MDC must pass Otis Reservoir releases and cannot impound this water for water supply.
8. A riparian agreement between MDC and FRPCo requires MDC to release up to 21.7 BG of water per year, 17.4BG of which must occur during the low inflow months of May to October. Releases for the riparian agreement occur at FRPCo's discretion and further reduce available water for drinking water along

the West Branch of the Farmington River.

9. In accordance with Special Act 444 of 1949, the MDC is prohibited from impounding all natural water flows up to 150 cubic feet per second (CFS) into the lake and must immediately release such flows downstream. This creates extended periods, especially during warmer months when no water can be impounded by Colebrook River Lake.
10. Special Act 444 of 1949 also requires a constant minimum release of 50 CFS from the Colebrook River Lake downstream at all times to the Farmington River regardless of natural inflows or drought conditions. This means that even when there is minimal inflow during a drought (e.g. 10 CFS), the MDC must still release 50 CFS at all times. This is contrary to current minimum streamflow requirements on drinking water reservoirs which allow for reductions of releases for drought conditions.
11. The Connecticut Department of Energy and Environmental Protection (DEEP) controls a total of 3.2 billion gallons of allocated storage space in two fishery pools (Spring and Fall) in Colebrook River Lake in addition to MDC and USACE allocations. The existing agreement does not provide clarity as to which party's share of the storage volume is filled first if the lake does not refill from the prior year.
12. Due to these existing riparian agreements, minimum (but potentially substantial) release requirements and shared ownership issues, it is impossible to accurately determine the safe yield of the 10 billion-gallon storage space in Colebrook River Lake with any degree of confidence required for a drinking water source.

13. For example, under similar operations in 2016, without a drinking water withdrawal, the Colebrook River Lake water level dropped to elevation 634 feet, which is below the 10 billion-gallon storage space requested to be abandoned and 127 feet below the spillway of the Colebrook River Dam. In the summer of 2022 the State of Connecticut declared a drought and the MDC reduced downstream releases to the minimum 50 CFS. In response the MDC received a letter from DEEP, Department of Economic and Community Development and the Department of Agriculture requesting an immediate increase in releases on the West Branch. This action demonstrates that the businesses, communities and agencies within the state of Connecticut do not find the existing minimum releases acceptable and would likely request a larger minimum release along the West Branch of the Farmington River, further reducing available water for drinking water supply.

David Banker

Subscribed and sworn to before me on this 24 day of May, 2023.

Commissioner of the Superior Court 431907
~~Notary Public~~
~~My Commission Expires:~~