

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 20, 2016

The Honorable Neil M. O'Leary
Mayor, City of Waterbury
City Hall Building
235 Grand Street
Waterbury, CT 06702

SUBJECT: Declaration and Order for the City of Waterbury

Dear Mayor O'Leary:

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 "L. Mathieu".

Lori Mathieu
Public Health Section Chief
Drinking Water Section

cc: Deputy Commissioner Addo, DPH
Deputy Commissioner Mike Sullivan, DEEP
Jack Betkoski, PURA
Under Secretary David LeVasseur, OPM
Christopher J. Bogucki, Waterbury, cbogucki@waterburyct.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 Waterbury ("Declaration"). Such Declaration is based upon the following information received by the Department of Public Health ("the Department") from the City of Waterbury's ("Waterbury") Bureau of Water:

1. Waterbury is a water company, as defined in *Conn. Gen. Stat.* § 25-32a, that owns and operates a public water system that serves Waterbury. In addition, Waterbury sells water to Middlebury, Watertown and Wolcott through interconnections.
2. Waterbury's sources of supply consist of surface water sources, which are located in Goshen, Cornwall, Warren, Litchfield, Thomaston and Morris. Its total system storage is 7,518.5 million gallons with total usable storage equaling 5,187.9 million gallons.
3. On March 8, 2005, Waterbury entered into an Agreement and Stipulated Judgment ("Agreement") with the Connecticut Fund for the Environment, the Department, the Department of Energy and Environmental Protection ("DEEP"), Roxbury, the Roxbury Land Trust, the Shepaug River Association, Inc., Washington, Watertown, and Wolcott (hereinafter "Agreement Parties") to settle a case that was pending in the Superior Court for the Judicial District of Waterbury, docket number CV-97-104886-S (X06) entitled *The City of Waterbury vs The Town of Washington, et al* regarding the Shepaug River. Under the Agreement, Waterbury is required to provide managed releases of water from the Shepaug River into the West Branch of the Shepaug River. In October and May, Waterbury is required to provide a managed release of 6 million gallons per day ("mgd"), except when a Water Supply Advisory or a Water Supply Emergency are in effect, in which case Waterbury may, in a Water Supply Advisory, reduce the managed release to 1.5 mgd or, in a Water Supply Emergency and in accordance with Waterbury's Emergency Contingency Plan, discontinue its managed release. In November through April, Waterbury is required to provide a managed release of 1.5 mgd. Finally, in June through September, Waterbury is required to provide a managed release of 12 mgd, except when the reservoirs fall below a certain level, in which case Waterbury is required to provide a managed release of 6 mgd.



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4. On September 22, 2016, Waterbury's average daily water usage was approximately 16 mgd. Its usable reservoir capacity was at 55 percent or 201 days of supply.
5. On September 23, 2016, the Mayor of Waterbury requested that residents of Waterbury voluntarily conserve water as Waterbury's "water levels [continued] to get low".
6. On September 29, 2016, Waterbury posted on its Internet webpage a reminder to its customers to voluntarily reduce consumption by ten percent. Its usable reservoir capacity was at 53.5 percent or 194 days of supply.
7. On October 11, 2016, Waterbury posted on its Internet webpage a requirement for mandatory conservation and asked all customers to reduce their water usage by twenty percent. Its usable reservoir capacity was now below 50 percent.
8. On October 11, 2016, Waterbury sent a letter to the Commissioner requesting that the Department declare a public drinking water supply emergency because Waterbury's "reservoirs [were] approaching dangerously low levels". In that letter, Waterbury requested authorization to reduce the amount of its managed release from the Shepaug River into the West Branch of the Shepaug River from 6 mgd, which is the amount required under the Agreement, to 1.5 mgd during the month of October 2016.
9. As of October 12, 2016, Waterbury had approximately 48 percent or 177 days of water supply available to its customers based on the amount of the total usable capacity of its reservoirs.
10. Waterbury submitted additional information to the Department on October 12, 13 and 14, 2016. Such additional information included information regarding Waterbury's voluntary and mandatory water bans, reservoir data, leak repair, and total system storage.
11. On October 16, 2016, Waterbury's average daily water usage was approximately 12.6 mgd.

ORDER

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

1. Waterbury shall continue to institute and enforce the mandatory ban on outdoor water use that Waterbury put into effect on October 11, 2016.
2. Waterbury shall continue to work with Middlebury, Watertown and Wolcott, which are the towns to which Waterbury sells water, to ensure that these towns are implementing mandatory bans on outdoor water use.
3. Waterbury shall ensure that it has approval to sell water to the water companies to which it sells water as required by *Conn. Gen. Stat.* § 22a-358. If Waterbury does not have approval to sell water to one or more water companies to which it is currently selling water, Waterbury

Declaration and Order

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shall obtain not later than thirty days after issuance of this Order such approval from the Commissioner pursuant to *Conn. Gen. Stat.* § 22a-358.

4. Within sixty days of the issuance of this Order, Waterbury shall update its water conservation and emergency contingency plans in its water supply plan prepared pursuant to *Conn. Gen. Stat.* § 25-33d 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 the trigger levels.
5. Waterbury shall not add any new customers to its public water system without the Department's review and approval.
6. Waterbury shall implement its 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.
7. Waterbury 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 Waterbury is unable to maximize the use of a source or sources of supply, it shall provide to the Department, on or before October 26, 2016, a report explaining what Waterbury needs to do to maximize them.
8. Waterbury shall maximize the use of all of its emergency sources of supply. If Waterbury is unable to maximize the use of an emergency source or sources of supply, it shall provide to the Department, on or before October 26, 2016, a report explaining what Waterbury needs to do to maximize them.
9. After Waterbury has maximized the use and production 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, and has maximized the use of all of its emergency sources of supply, Waterbury is authorized to reduce the amount of its managed release from the Shepaug River into the West Branch of the Shepaug River from 6 mgd, which is the amount required under the Agreement, to not less than 1.5 mgd during the month of October 2016. Prior to reducing the amount of its managed release, Waterbury shall notify the Agreement Parties of such reduction.
10. Waterbury shall ensure that water quality throughout 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, Waterbury shall log and share weekly with the Department and the local health departments of Middlebury, Waterbury, Watertown, and Wolcott all consumer complaints it receives. Finally, Waterbury shall develop and submit to the Department, on or before October 26, 2016, a plan regarding how it will test weekly for corrosion throughout its water service area.
11. Waterbury shall identify and conduct a water audit of its top twenty largest water users. In addition, Waterbury shall assist such large users in identifying ways in which to reduce usage. With respect to such water audits, Waterbury shall:
 - a. Hire a consultant with expertise in conducting water audits to conduct such audits;

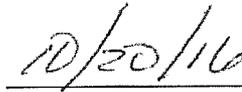
- b. Submit a water audit findings report to the Department within sixty days of issuance of this Order.
 - c. Publish on its Internet webpage the water audit findings and a calculation of any water saved through conducting such audit.
12. Waterbury shall weekly report to the Department, DEEP, the Agreement Parties, and the local health directors in Middlebury, Waterbury, Watertown, and Wolcott, and shall weekly publish the following on Waterbury's Internet webpage:
 - a. Information regarding Waterbury's supply and demand. With respect to Waterbury'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 Waterbury's conservation practices and the effect of such practices on Waterbury's supply and demand.
 - c. Information regarding Waterbury's communications with town and local health officials in Middlebury, Watertown and Wolcott, which are the towns to which Waterbury sells water.
 - d. Information regarding the effectiveness of the demand reduction efforts in Middlebury, Watertown and Wolcott. The effectiveness of the demand reduction efforts shall be measured by taking weekly readings of the water sold to each of the three towns at all active interconnections.
 - e. Information regarding Waterbury's reduction in the amount of its managed release from the Shepaug River into the West Branch of the Shepaug River authorized in Paragraph 9. Waterbury shall report the amount of its managed release in each twenty-four hour period in mgd.
 - f. Documentation regarding the stream flow conditions in the West Branch of the Shepaug River and any adverse environmental outcomes resulting from Waterbury's reduction in the amount of its managed release from the Shepaug River into the West Branch of the Shepaug River authorized in Paragraph 9.
13. Waterbury shall weekly hold a meeting or conference call with the Department regarding the report submitted pursuant to Paragraph 12 and the status of this Order. DEEP, the Agreement Parties and the local health directors in Middlebury, Waterbury, Watertown, and Wolcott may, if they choose, attend in such meeting or conference call.
14. Waterbury shall establish 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 Waterbury. Such committee shall also include representatives from Waterbury. The purpose of such committee is to ensure the communication of, and consistency and compliance with, outdoor water bans issued by Waterbury, and to discuss and address any concerns or issues members of such committee may have with respect to outdoor water bans.

15. Waterbury 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 Waterbury'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

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