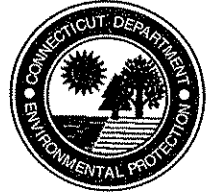


**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



OFFICE OF ADJUDICATIONS

IN THE MATTER OF

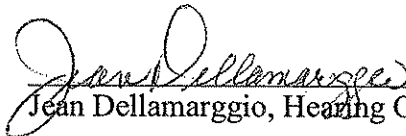
: ORDER NO. SRD-174

ALLIANCE ENERGY CORP.

: OCTOBER 7, 2008

FINAL DECISION

The parties have agreed to resolve the respondent's appeal of the above-noted order by means of the attached consent order, which has been signed by the respondent. Regs., Conn. State Agencies §22a-3a-6(1)(2). I hereby convey this consent order to the Commissioner for her review and approval. This appeal will thereafter be terminated and removed from the docket of this office.



Jean Dellamargio, Hearing Officer

PARTY LIST

In the Matter of Alliance Energy Corp.
Order No. SRD-174

PARTY(IES)

The Respondent

Alliance Energy Corp.

REPRESENTED BY

M. Anne Peters, Esq.
Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110

Mark W. Roberts, Esq.
McRoberts & Roberts, LLP
15 Broad Street, Suite 240
Boston, MA 02109

Department of Environmental Protection

Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, CT 06106

Gary Trombly

John M. Looney, Esq., AAG
Office of the Attorney General
55 Elm Street
Hartford, CT 06106

CONSENT ORDER

- A. With the agreement of Alliance Energy Corp. ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:
1. Respondent is a corporation that is or has been engaged in retail petroleum distribution at 24 Main Street, Durham, Connecticut ("the Site") and is the owner of property located at the Site. The Site is more fully described in a deed which is recorded at page 625 of volume 151 of the Durham land records as Lot #5 on Map #58 in the Durham Tax Assessor's office.
 2. Respondent stores and dispenses petroleum products, including but not limited to, gasoline and diesel at the Site.
 3. Respondent is responsible for releases at the Site due to the following:
 - a. gasoline and diesel surface releases that occurred on or about October 7, 2002;
 - b. a reported release from an in-ground fuel oil tank failure that occurred on or about July 8, 2004;
 - c. reported gasoline surface release that occurred on or about September 22, 2004;
 4. Soil at the Site and groundwater at and emanating from the Site are polluted with fuel constituents including but not limited to, methyl tertiary-butyl ether ("MTBE"), tertiary amyl methyl ether ("TAME") and tertiary butyl ether ("TBA").
 5. Respondent has caused releases to the ground as listed above that have polluted the soil and groundwater at the Site. Pollutants in groundwater have migrated off-site to adjacent properties, including but not limited to 13 Main Street and 21 Main Durham, Connecticut.
 6. One residential drinking water well, located at 21 Main Street, Durham, Connecticut is polluted with the gasoline additive MTBE at a level that at times has exceeded the Department of Public Health ("DPH") Action Level for MTBE in drinking water. Another drinking water well, located at 13 Main Street, Durham, Connecticut has concentrations of MTBE below the DPH Action Level for MTBE in drinking water.
 7. The Commissioner of Public Health has determined that the pollution that has been identified to date creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using the polluted groundwater as a public or private source of water for drinking or other personal or domestic uses.

8. By virtue of the above, pollution of groundwater has occurred or can reasonably be expected to occur, the pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using such groundwater as a public or private source of water for drinking or other personal or domestic use, and Respondent is responsible for such pollution.
 9. By virtue of the above, Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the State and has polluted the waters of the State, and has created a discharge to the waters of the State without obtaining a permit as required by section 22a-430 of the Connecticut General Statutes.
 10. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraphs A.1. and A.2.
- B. With the agreement of Respondent the Commissioner, acting under §22a-6, §22a-424 and §22a-471 of the Connecticut General Statutes, orders Respondent as follows:
1. a. Respondent has retained APEX Environmental, Inc. (“APEX”), and shall continue to retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such consultants. Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with, and, within ten (10) days after retaining any consultant other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to prepare the documents and implement or oversee the actions required by this consent order shall be an environmental professional (“LEP”) licensed in the State of Connecticut pursuant to Connecticut General Statutes section 22a-133v. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent order within ten (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
 - b. In accordance with Consent Order SRD#173, the Respondent shall continue to provide a short-term potable drinking water supply to the following property:

<u>Town of Durham</u> <u>Address</u>	<u>Last known name of</u> <u>owner or occupant</u>
21 Main Street	Mr. & Mrs. Steven Liss
 - c. Respondent shall provide a long term potable water drinking water supply, in accordance with paragraph B.1.f. of this consent order to the following properties:

Town of Durham
Address

Last known name of
owner or occupant

21 Main Street
13 Main Street

Mr. & Mrs. Steven Liss
Three Licks LLC

- d. Respondent shall provide a short-term and long-term potable drinking water supply, in accordance with paragraphs B.1.e., B.1.f. and B.1.g., to each property, which the Commissioner of Environmental Protection has determined or had determined, upon review of the hydrogeologic study required by Consent Order No. SRD-173 , or any study required by any other pollution abatement order issued by the Commissioner, to be within the area of polluted ground waters originating on or emanating from the Site or within an area where pollution of ground waters originating on or emanating from the Site is imminent.
- e. Respondent shall provide short-term potable drinking water to the properties required by this consent order in accordance with the following:
- (1) Respondent shall provide one (1) gallon per person per day of bottled water to the persons served by wells which have been polluted, or which can reasonably be expected to become polluted by pollution originating on or emanating from the Site within twenty four (24) hours after notification that it is required is received from the Commissioner or within twenty four (24) hours after an exceedance is confirmed pursuant to paragraph B.1.h.(2) of this consent order, whichever is earlier. Bottled water shall be delivered on a regular basis by a company licensed to bottle water by the State of Connecticut until a long-term potable water supply is provided pursuant to paragraph B.1.f. of this consent order.
 - (2) In accordance with Attachment A to this consent order, Respondent shall provide Granular Activated Carbon ("GAC") filter treatment systems and any pretreatment systems which the Commissioner determines are necessary for each affected property within two (2) weeks after notice from the Commissioner that they are required or within two (2) weeks after an exceedance is confirmed pursuant to paragraph B.1.h.(2) of this consent order, whichever is earlier. Respondent shall install, monitor and maintain such GAC treatment systems and any pretreatment systems in accordance with Attachment A to this consent order until the long-term supply of potable drinking water is provided in accordance with paragraph B.1.f. of this consent order.
 - (3) In accordance with Attachment A to this order, Respondent shall monitor and maintain the GAC filter treatment systems and any pretreatment systems which Respondent has provided in accordance within either paragraph B.1.e or B.1.g. until the long-term supply of potable drinking water is provided in accordance with paragraphs B.1.f. of this order.]
 - (4) On or before five (5) days after Respondent begins to provide potable drinking water pursuant to paragraphs B.1.e.(1) or B.1.e.(2) of this consent order,

Respondent shall submit written certification to the Commissioner that provision of potable drinking water has begun as required.

- f. Respondent shall provide long-term potable drinking water to the properties required by this consent order in accordance with the following:
- (1) On or before thirty (30) days after the Commissioner notifies the Respondent of properties which are indicated by the hydrogeologic study required by Consent Order No. SRD-173 to be within the area of polluted ground waters originating on or emanating from the Site or within an area where pollution of groundwater is imminent from pollution originating on or emanating from the Site, Respondent shall provide a short-term and long-term potable drinking water supply, in accordance with paragraphs B.1.e and B.1.f.
 - (2) On or before thirty (30) days after exceedance of a level for any volatile organic compound ("VOC") including but not limited to MTBE, semi-volatile compounds, and Extractable Total Petroleum Hydrocarbons ("ETPH") emanating from the Site, which the Commissioner of Public Health determines creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses is confirmed pursuant to paragraph B.1.h.(2) of this consent order, Respondent shall provide a short-term and long-term potable drinking water supply, in accordance with paragraphs B.1.e and B.1.f.
 - (3) Connection to the public water main located in Main Street constitutes an approved, long term water supply. In accordance with Attachment A to this consent order, Respondent shall, on or before thirty (30) days after issuance of this consent order, submit to the Commissioner and the Commissioner of Public Health contract plans and design specifications for the service connections from the approved long term water supply, as applicable, and a schedule for constructing the service water supply connections. .
 - (4) Respondent shall construct or install the approved service connections in accordance with the approved contract plans, design specifications and schedule as outlined in Attachment A.
 - (5) Respondent shall operate, maintain and monitor the approved water supply in accordance with the contract plans and design specifications approved under paragraph B.1.f(4) of this consent order and any revision to those specs as required by paragraphs B.1.f(1), B.1.f(2) or B.1.f(3).
 - (6) On or before thirty (30) days after approval by the Commissioner and the Commissioner of Public Health under paragraph B.1.f.(4) of this consent order of the plans and specifications for the approved water supply to provide potable drinking water, Respondent shall submit for the review and written approval of the Commissioner a proposal for the posting of surety in favor of the Commissioner in an amount sufficient to construct or install the water supply as

required by this consent order, and to operate, maintain and monitor such system or supply for the estimated duration of the pollution. Within thirty (30) days after approval of such proposal, Respondent shall obtain the approved surety for all requirements of this consent order which have not been fully satisfied as of that date. Such surety shall be posted, updated, and released in accordance with the requirements of Regulations of Connecticut State Agencies Section 22a-209-4(i).

Respondent shall maintain such surety in full force and effect until such time as the Commissioner approves in writing another person's surety for said purpose or the Commissioner determines that Respondent has provided the long term water supply as required and is in full compliance with this consent order.

- g. For each of those properties which the Commissioner of Environmental Protection determines, upon review of the study required by Consent Order No. SRD-173, are not included under paragraph B.1.c., or listed in Consent Order No. SRD-173, but are within an area the groundwater of which can reasonably be expected to become polluted by pollution originating on or emanating from the Site, Respondent shall provide a short-term and long-term potable drinking water supply in accordance with the provisions of Consent Order No. SRD-173, and paragraphs B.1.e and B.1.f of this order.
- h. (1) Within sixty (60) days after notice from the Commissioner that additional properties are within an area the groundwater of which can reasonably be expected to become polluted by pollution originating on or emanating from the Site, and quarterly thereafter, Respondent shall monitor the water supplies for each of those properties for petroleum constituents, including, but not limited to, VOCs, including MTBE, semi-volatile compounds, and ETPH.
- (2) Any drinking water well which is monitored and which, as a result of pollution on or emanating from the Site, exceeds a level which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses ("then current action level"), shall be resampled within five (5) days of Respondent's receipt of the sample results. If exceedance of such level is confirmed, Respondent shall provide short-term and long-term potable drinking water in accordance with paragraph B.1.e. and B.1.f. of this order in accordance with a schedule approved in writing by the Commissioner. If the retest does not confirm the exceedance of such level, a third sample shall be taken within five (5) days of Respondent's receipt of the results, and if two of the three tests show that such level is exceeded, Respondent shall provide short-term and long-term potable drinking water in accordance with paragraph B.1.e. and B.1.f. of this order in accordance with a schedule approved in writing by the Commissioner.
- (3) The minimum duration for quarterly monitoring shall be two (2) years. If a concentration value of 50% of the then current action level, or a concentration value of 50% of the then current Groundwater Protection Criteria for compounds that do not have an established action level, is not exceeded at any time during four consecutive quarterly sampling periods ending no sooner than two (2) years following commencement of the quarterly monitoring, monitoring frequency may be reduced to semi-annually for three

(3) years.

(4) Semi-annual testing shall be conducted during periods of the year specified by the Commissioner of Environmental Protection. If a concentration value of 50% of the then current action level for any volatile organic compound, including but not limited to MTBE, or a concentration value of 50% of the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH is not exceeded during the three-year duration of semi-annual samplings, monitoring for the particular supply may be terminated with the prior written approval of the Commissioner of Environmental Protection. The Commissioner will not grant such approval if the Commissioner determines that the pollution for which Respondent is responsible can still reasonably be expected to affect the particular water supply. If a concentration value of 50% of the then current action level for any volatile organic compound, including but not limited to MTBE or the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH is exceeded, quarterly monitoring and, thereafter, semi-annual monitoring shall be reinstated as described in paragraphs B.1.i.(3) and B.1.i.(4) of this order unless the then current action level for any volatile organic compound, including but not limited to MTBE, is exceeded, in which case the supply shall be monitored and further actions taken in accordance with paragraphs B.1.i.(2), B.1.i.(3) and B.1.i.(4) of this order.

- i. Potable drinking water shall be provided to property owners affected by pollution originating on or emanating from the Site for the duration of pollution of the ground waters resulting from Respondent's on-site activities. Provision of potable drinking water may be terminated, with the prior written approval of the Commissioner, when a minimum of twelve (12) consecutive monthly samples of the raw influent groundwater indicate that 50% of the then current action level for all VOCs, including but not limited to MTBE, or a concentration value of 50% of the then current Groundwater Protection Criteria for any semi-volatile compound or ETPH has not been exceeded. Any particular supply meeting the criteria expressed in this paragraph shall be monitored quarterly in accordance with paragraph B.1.i.(1) and B.1.i.(2) of this order. Such monitoring may be reduced in frequency and terminated in accordance with paragraphs B.1.i.(3) and B.1.i.(4) of this order.
- j. On or before fifteen (15) days after the date of connection of any property to a public water supply system pursuant to this consent order, Respondent shall submit to the Commissioner for his review and written approval, a proposal for making a one-time payment to compensate the owner or owners of any such property for the first ten (10) years of the increased cost of obtaining potable drinking water from a public source of supply.
- k. On or before thirty (30) days after approval of the proposal under paragraph B.1.j., Respondent shall pay the approved amount to each owner of property to which potable drinking water has been provided by connection to a public source of supply.
- l. The Commissioner further orders Respondent to reimburse the State of Connecticut and the Town of Durham for all expenses each incurs in providing potable drinking water, as

specified in Section 22a-471(b)(4)(B) of the General Statutes. Such reimbursement shall be made in accordance with a time schedule approved in writing by the Commissioner after consideration of the expenses incurred and the factors specified in Section 22a-471(b)(4)(B).

2. Test results.

- a. Respondent shall assure that all laboratory reports of results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants, the Commissioner, the Commissioner of Public Health, and the Town of Durham Director of Health within thirty (30) days after taking a sample or within five (5) days of receipt of such results by the Respondent, whichever is sooner. Upon receipt of any analytical results indicating that the water supply well samples exceed the groundwater protection criteria, Respondent shall immediately notify the users and owners of the supply well and provide bottled water. Additionally, please contact the Connecticut Department of Environmental Protection ("DEP") staff member identified in this consent order and the Town of Durham Health Director.
 - b. Respondent shall assure that all results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants with a statement identifying which, if any, parameters exceed the then current action level for any VOCs, including but not limited to MTBE, or the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH. A copy of the statement submitted to the property owner and occupants shall be sent to the Commissioner within five (5) days of the date it is mailed to the property owner and occupants.
3. Progress reports. On or before the last day of March, June, September, and December of each year after issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
4. 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.
5. Standard for potable drinking water. All potable drinking water which is provided pursuant to this consent order shall be of a quality which meets all standards specified in the Regulations of Connecticut State Agencies, including Sections 19-13-B101 and 19-13-B102, as amended, and which the Commissioner of Public Health has determined does not create an unacceptable risk of injury to the health or safety of persons using such water as a public or private source of water for drinking or other personal and domestic uses.
6. Sampling and sample analyses. All sampling and sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such

analyses. All sampling and sample analyses performed under this consent order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR 136. Samples shall be preserved in accordance with EPA method 5035. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the Analytical Detection Limit as defined in Section 22a-133k-1(a)(1) of the Regulations.

7. Approvals.

- a. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
- b. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purpose of this consent order.

8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner. 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.

9. Dates. 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.

10. 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, if Respondent is not an individual, 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 Respondent or Respondent's chief executive officer 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

11. 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.
12. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under Section 53a-157b or Section 22a-438 of the Connecticut General Statutes and any other applicable law.
13. Liability of the Respondent and others. The 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.
14. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by the Respondent pursuant to this consent order have not fully characterized the extent or degree of any pollution, or have not successfully provided potable drinking water to all persons affected, the Commissioner may institute any proceeding to require the Respondent to undertake further investigation or further action to provide potable drinking water.
15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and, to the extent local law is consistent with this consent order, local law.
16. 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 the Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.

17. Access to Site. The Commissioner may enter the Site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
18. 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.
19. 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.
20. 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.
21. 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:

David Ringquist, Supervising Environmental Analyst
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford CT 06106-5127

22. Submission of documents to DPH. Any document required to be submitted to the Commissioner of Public Health under this consent order shall, unless otherwise specified in writing by the Commissioner of Public Health, be directed to:


Lori Mathieu, Supervising Environmental Analyst
Department of Public Health
Drinking Water Division

410 Capitol Ave., MS#51WAT
Hartford CT 06134

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.

RESPONDENT

April 29, 2008
Date



John Gargano
Executive Vice President
Alliance Energy Corp.

Issued as a final order of the Commissioner of the Department of Environmental Protection.

10/7/08
Date



Gina McCarthy
Commissioner

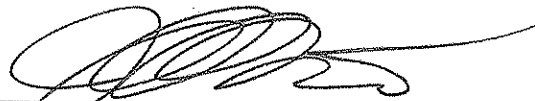
ORDER NO. SRD-174
DISCHARGE CODE H/J
TOWN OF DURHAM
LAND RECORDS

**ALLIANCE ENERGY CORP.
SECRETARY'S CERTIFICATE**

I, Jonathan Paris, Assistant Secretary of Alliance Energy Corp., a Massachusetts corporation (the "Corporation") do hereby certify that the following vote has been approved and adopted by the Board of Directors of the Corporation, and such vote was in full force and effect as of April 29, 2008 and is in full force and effect on and as of the date hereof:

VOTED: that John Gargano, Executive Vice President of the Corporation be, and hereby is, authorized and empowered, for and on behalf of and in the name of the Corporation to (a) execute and deliver that certain Water Supply Consent Order for the property located at 24 Main Street, Durham, Connecticut from the State of Connecticut, Department of Environmental Protection (the "Consent Order") in substantially the form attached hereto as Exhibit A but with such amendments or supplements as may, in his judgment, be deemed advisable, appropriate or necessary, such determination to be conclusively evidenced by the execution of such amendment or supplement, and (b) cause the Corporation to perform its obligations under the Consent Order.

IN WITNESS WHEREOF I have executed this Certificate in the name and on behalf of the Corporation this 29th day of April, 2008.



Jonathan Paris, Assistance Secretary