

**Representative Policy Board
South Central Connecticut Regional Water District**

Application for Approval of a Project : February 21, 2019
to Construct a One Million Gallon :
Water Storage Tank in Derby, CT :

**Findings of Fact, Conclusions of Law and
Final Decision of the Representative Policy Board**

A. The Applicant's Request

On November 16, 2018, the South Central Connecticut Regional Water Authority ("RWA" or the "Applicant"), through its five-member Authority, submitted an application to the Representative Policy Board ("RPB") for the approval of a project to construct a One Million Gallon Water Storage Tank located in Derby, Connecticut (the "Application" or "Current Project"), at a total project capital cost of approximately \$5,100,000. The Application for approval of the project was filed pursuant to the statutory authority set forth in Section 19 of Special Act No. 77-98, as amended.

The Application replaces Application No. 12-02, for a project to design and construct a Two Million Gallon Water Storage Tank located in Derby, Connecticut, filed with the RPB on August 16, 2012, accepted by the RPB as a completed application on November 29, 2012 (the "Original Project"), and withdrawn by the Applicant on November 15, 2018.

B. Participants

In addition to the RWA, the district's Office of Consumer Affairs ("OCA") participated in this proceeding. Section 15 of Special Act No. 77-98, as amended, authorizes the OCA to act as advocate for consumer interests in all matters that may affect water customers in the district.

C. Statutory Standard

Pursuant to the legislation cited in paragraph A above, the RWA is required to obtain approval from the RPB, prior to commencing any project costing more than \$2 million to repair, improve, construct, reconstruct, enlarge and extend any of its properties or systems.

D. Notice and Procedures

On December 20, 2018, the RPB voted unanimously to accept the Application as complete and called a public hearing for Thursday, January 17, 2019 at 7:00 p.m., at the office of the South Central Connecticut Regional Water Authority, 90 Sargent Drive, New Haven, Connecticut. The RPB designated Thomas P. Clifford III, Esq. (Ansonia) to serve as Presiding Member at the public hearing.

As required by Section 10, of Special Act. No. 77-98, as amended, the RPB published in the New Haven Register and the Connecticut Post the date, time and place of the public hearing, to be held by the RPB, to consider the Application for approval of this project. The date of publication was December 22, 2018. A copy of this notice was filed in the Office of the Clerk of each city and town within the district. The notice was posted on the RWA's website. On November 20, 2018, the RPB granted the Applicant's motion for a protective order with respect to information that specifically describes critical operating facilities, distribution systems or sources of supply owned by the Authority in a format that would not otherwise be publicly available and disclosure of which may result in a security or safety risk to the Authority and the public.

E. Public Hearing

At the public hearing on January 17, 2019, the Applicant provided sworn testimony from Edward O. Norris III, RWA's Vice President of Asset Management, and Rose Gavrilovic,

RWA's Director of Capital Planning and Delivery. These witnesses discussed information on the RWA's Governance requirements, distributed a handout, and provided a presentation that described the project background, the need for the project, project reassessment, analysis of alternatives, tank site location, Original Project versus Current Project, reason for project change, summary of the proposed project, capital costs, and project schedule.

Members of the RPB asked questions of the Applicant with respect to budget, property location, costs, leased parcel requirements, cost adjustment, Original Project and Current Project cost estimates, effects of a water main break, financial impact on residents, open space, location of tank, and aesthetics.

The OCA recommended approval of the project for the reasons set forth in his memorandum to the Representative Policy Board dated January 10, 2019.

Eleven members of the public attended the public hearing and seven provided testimony. Derby Mayor, Richard Dzieken, spoke in favor of the project and stated that the project is needed for infrastructure and for the safety of Derby's schools and hospital.

Ansonia Fire Chief, Michael Eheman, spoke in favor of the project and discussed prior water shortages and the impact on Griffin Hospital patients.

Robert Laskowski, Chief of the Derby Fire Department, spoke in favor of the project and noted the project's critical life safety factor for residents and firefighters.

Former Fire Chief and President of the Board of Alders of the City of Derby, Charles Sampson, spoke in favor of the project and stated that the Board of Alders voted unanimously in favor of the project for the public's safety.

Joseph Burnett, Griffin Hospital's Director of Safety, Security and Emergency Preparedness, spoke in favor of the project and discussed the need for the project as part of the hospital's emergency preparedness and daily requirements for water use.

Town Clerk of Derby, Marc Garofalo, discussed RWA's procedure for future projects and Derby resident, Mary Motasky, asked questions related to the location and aesthetics of the tank.

F. Analysis

After considering all of the evidence presented, the RPB believes that the project to construct a One Million Gallon Water Storage Tank located in Derby, Connecticut, will help to address a long-standing need that has been identified by the RWA, as well as Birmingham Utilities (prior to the RWA's purchase of the system). Public opposition and concerns have caused difficulties in completing the project in the past. Based on the studies completed from 2009 through June 2014, the RWA has worked with the City of Derby to overcome these issues, while still achieving goals of promoting the public health and safety of customers west of the Naugatuck River. The selected project, at an estimated cost of \$5.1 million, maximizes the cost and non-cost benefits for the RWA's customers by stabilizing pressures, improving fire flows, providing storage to meet peak flows during maximum day demands, and increasing the amount of flow available for emergencies. The RWA has concluded that the proposed action is consistent with and advances the policies and goals of the RWA.

G. Conclusion

We, therefore, conclude that the Application for approval of a project to construct a One Million Gallon Water Storage Tank in Derby, Connecticut, is approved. Separately stated findings of fact and conclusions of law are attached hereto as Exhibit A.

Exhibit A

**Representative Policy Board
South Central Connecticut Regional Water District**

Application for Approval of a Project : February 21, 2019
to construct a One Million Gallon :
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Findings of Fact

1. The RWA, through its five-member Authority, submitted an application to the RPB for approval of a project to construct a One Million Gallon Water Storage Tank located in Derby, Connecticut, on November 16, 2018 (the “Application”).
2. The Application replaces Application No. 12-02, for a project to design and construct a Two Million Gallon Water Storage Tank located in Derby, Connecticut, filed with the RPB on August 16, 2012, approved by the RPB as a completed application on November 29, 2012, and withdrawn on November 15, 2018.
3. The existing Ansonia-Derby Service Area does not have water storage.
4. The existing distribution system has limited capacity to supply the Ansonia-Derby Service Area from available sources.
5. Historic evidence shows that the existing distribution system cannot sustain high flows during an emergency such as a significant main failure.
6. Fire protection will be significantly improved for 13,000 customers and several critical customers with the construction of this project.
7. The proposed project will stabilize pressures and reduce low pressure issues on peak demand days.
8. The proposed project would provide additional system reliability west of the Naugatuck River and allow the Seymour and Derby wellfields to be shut down for normal maintenance and allow for uninterrupted service to our customers should either of the wellfields shut down for a period of time.
9. The location selected for the proposed project is the most favorable in terms of hydraulics, fire protection, cost, time to gain approvals, complete construction, and gaining community support.
10. The proposed project will cost approximately \$5.1 million.
11. The OCA recommended approval of the Application.

Conclusions of Law

1. The RWA's application for approval of a project to construct a One Million Gallon Water Storage Tank located in Derby, Connecticut, was filed pursuant to the statutory authority set forth in Section 19 of Special Act No. 77-98, as amended (the "Application").
2. Notice of the public hearing to consider the Application and to allow interested persons, including water users and property owners within the district, to be heard was properly made pursuant to Section 10 of Special Act No. 77-98, as amended.
3. The public hearing took place on January 17, 2019.
4. Based upon the above Findings of Fact, the RPB concludes that the RWA's application for a project to construct a One Million Gallon Water Storage Tank located in Derby, Connecticut, meets all requirements for approval.