

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

Application for Approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, CT : **June 9, 2022**

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

A. The Applicant’s Request

On May 16, 2022, the South Central Connecticut Regional Water Authority (“RWA” or the “Applicant”), through its five-member Authority, submitted an application for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut (“Application”), at a maximum project capital cost not to exceed \$5.52 million. The Application is a two-phase process. Phase 1 proposes to advance the analysis of selected alternatives to determine the best design alternative to move forward and also advance this design to one hundred percent (100%) which will include Early Contractor Involvement (ECI). This phase may include a trial grout program if an alternative that includes a grouted solution is selected. Phase 1 will also include community outreach to assess concerns and develop a roadmap to guide the public throughout the project, to the extent feasible and prudent.

Phase 2 will include awarding the entire project to a qualified contractor for construction and will be submitted as a separate application.

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, and under the requirements of expedited process.

B. Participants

In addition to the Representative Policy Board (“RPB”) and the RWA, the district’s Office of Consumer Affairs (“OCA”) participated in this proceeding. The OCA is authorized by Section 15 of Special Act No. 77-98, as amended, to act as the 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 two million dollars to repair, improve, construct, reconstruct, enlarge or extend any of its properties or systems.

D. Notice and Procedures

Effective July 1, 2021, Senate Bill 1202, Section 163, permitted the RPB to hold the public hearing on the Application using electronic equipment or technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video or other conferencing platforms. Other procedural requirements were also met. On May 19, 2022, upon the recommendation of the Finance Committee, under the expedited process, the RPB Chairman accepted the Application as complete and called a public hearing on Thursday, June 9, 2022 at 6:30 p.m., at the office of the South Central Connecticut Regional Water Authority, 90 Sargent Drive, New Haven and via remote access. The RPB designated Naomi Campbell (New Haven) to serve as Presiding Member at the public hearing.

As required by Section 10 of Special Act. No. 77-98, as amended by Public Act No. 02-85, 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. The date of publication was May 20, 2022. A copy of this notice was filed with the Office of the Clerk of each city and town within the District and the Connecticut Secretary of State. The notice was

posted on the RWA's website, including information about electronic participation for the meeting.

E. Public Hearing

At the public hearing on June 9, 2022, the Applicant provided sworn testimony from Sunny Lakshminarayanan, the RWA's Vice President of Engineering and Environmental Services, and Larry Marcik, the RWA's Senior Engineer. These witnesses provided a presentation that described the background, approach, scope, project need, alternatives analysis, and project budget and schedule.

Members of the RPB asked questions of the Applicant with respect to [TO BE FILLED IN].

The OCA stated that the Application is [TO BE FILLED IN] of the Application for the reasons set forth in his memorandum to the Representative Policy Board dated _____, 2022.

In addition to the applicants and OCA listed above, [INSERT OTHER ATTENDEES/TITLES, AND MEMBERS OF THE PUBLIC].

F. Analysis

After considering all of the evidence presented, the RPB believes that the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 is [necessary and advances the policies and goals of the South Central Connecticut Regional Water Authority and is included in the five-year plan of capital improvements, and are in the best interest of the RWA and its customers.] The presentation at the public hearing reinforced the need for and importance of the project.

G. Conclusion

We therefore conclude that the Application for approval of a project for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 should be approved. Separately stated findings of fact and conclusions of law are attached hereto as Exhibit A.

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Exhibit A
Representative Policy Board
South Central Connecticut Regional Water District

Application for Approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, CT : : **June 9, 2022**

Findings of Fact

1. The South Central Connecticut Regional Water Authority (“RWA”), through its five-member Authority, submitted an Application to the RPB for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut (“Application”) on May 16, 2022.
2. The Application is a two-phase process: Phase 1) to advance the analysis of selected alternatives to determine the best design alternative to move forward and advance this design to one hundred percent (100%) including Early Contractor Involvement which may include a trial grout program if an alternative that includes a grouted solution is selected, and Phase 2) awarding the entire project to a qualified contractor for construction, which will be submitted as a separate application.
3. The Lake Whitney Dam, constructed in 1860/61, has been improved and expanded on several occasions but has had no significant structural enhancements since its construction.
4. The Connecticut Department of Energy and Environmental Protection (CTDEEP) Dam Safety provides regulatory oversight of RWA’s dams.
5. The Lake Whitney Dam is categorized as a Class C, high hazard dam, as defined in the Connecticut Dam Safety Regulations. As such, failure of the Lake Whitney Dam would result in long-term destruction downstream of the dam probably including loss of life.
6. The Lake Whitney Dam does not have sufficient hydraulic capacity to pass the Probably Maximum Flood (PMF), the present-day design flood.

7. Stability analysis of the current configuration of the dam shows that the dam will not meet evolving regulatory requirements and recognized standards for dam safety for the PMF.
8. The Lake Whitney Dam does not have provisions to mitigate external erosion and downstream scour that would likely occur and potentially result in the failure of the dam due to overtopping during the PMF. Scour is an engineering term for the erosion of soil supporting under the dam.
9. The Lake Whitney Dam impounds a major source of water in the RWA's reservoir system and loss of service of Lake Whitney would reduce the adequacy of the RWA's water supply.
10. The Lake Whitney Dam must be improved or replaced.
11. The RWA has reviewed numerous improvement and cost mitigation alternatives related to the Lake Whitney Dam.
12. Recent conceptual level cost estimates have increased significantly and have caused the RWA to consider additional alternatives to ensure that the most cost effective and prudent alternative is selected as the final solution.
13. The Lake Whitney Dam Initial Design Project – Phase 1 is expected to be completed during FY 2024 and has a projected cost up to \$5.52 million.
14. Given the scope of the project and its iconic significance, the RWA will engage the community to ensure that concerns are heard.
15. The proposed project is consistent with, and advances RWA policies and goals and is in the public interest.
19. The OCA recommended approval of the Application.

Conclusions of Law

1. The South Central Connecticut Regional Water Authority's ("RWA") application for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut ("Application") was filed pursuant to the statutory authority set forth in Section 19 of Special Act No. 77-98, as amended, and under the requirements of the expedited process.
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 on May 20, 2022, pursuant to Section 10 of Special Act No. 77-98, as amended.
3. Pursuant to Sections 10 and 19 of Special Act 77-98, as amended, the public hearing was held on June 9, 2022.
4. Based upon the above Findings of Fact, the Representative Policy Board concludes that the RWA's application for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 meets all requirements for approval.