

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

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Commissioner



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Governor  
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### MEMORANDUM

To: Lori Mathieu, Branch Chief, Environmental Health and Drinking Water Branch

From: Lisette Stone, Environmental Analyst 2, SA-P Unit

Through: Eric McPhee, Supervising Environmental Analyst, SA-P Unit

Cc: Lisa Kessler, Staff Attorney  
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Cameron Walden, Supervising Engineer, DWSRF Unit  
Florin Ghisa, Sanitary Engineer 3, DWSRF Unit

Date: March 1, 2023

Subject: CEPA Review in connection with funding for Norwalk First Taxing District  
Proposed Rehabilitation of the Grupes Reservoir Dam in New Canaan, CT

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### Introduction

Norwalk First Taxing District (NFTD) has applied for funding from the Connecticut Department of Public Health (DPH) Drinking Water State Revolving Fund (DWSRF) for a project to rehabilitate the Grupes Reservoir Dam in New Canaan, Connecticut (Project). As the sponsoring agency, DPH is required by the Connecticut Environmental Policy Act (CEPA) to determine whether the proposed action (in this case, the Project) “may significantly affect the environment.” See Connecticut General Statutes (CGS) § 22a-1b(b)(1). In making this determination, DPH is required to complete an Environmental Review Checklist. If DPH determines that the action may significantly affect the environment, it must, as the sponsoring agency, prepare an environmental impact evaluation (EIE) prior to funding the Project. Id. As discussed fully below, DPH DWSRF and Source Assessment and Protection (SA/P) Units have conducted a thorough review and have determined that the Project is not one that may cause a significant environmental impact. Therefore, an EIE is not required.



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## **Project Background and Procedural History**

Grupes Reservoir Dam (Dam) is classified by the Connecticut Department of Energy and Environmental Protection (DEEP) dam safety regulations as a Class C, or "high hazard" dam, meaning that if the dam were to fail, it could result in probable loss of life, major damage to habitable structures and residences, damage to critical utilities and infrastructure, and great economic loss. See Regulations of Connecticut State Agencies (RCSA) § 22a-409-2(a)(1)(E)) and GZA GeoEnvironmental, Inc. letter dated November 15, 2021 to Florin Ghisa of DPH (GZA Letter) at 2.

NFTD's engineering firm, GZA GeoEnvironmental Inc. (GZA) performed visual inspections of the Dam every two years since 2014, and based on those inspections, found it to be in poor condition. Id. Some issues raised included inadequate spillway capacity and potential stability concerns. Id. GZA's reports led to the advancement of preliminary and final design efforts for the Project, which includes:

1. Raising the top of the Dam by 4 feet to mitigate overtopping during a ½ PMF<sup>1</sup> flood;
2. Constructing an earthen embankment along the east side of the reservoir and re-grading existing high ground and access road to mitigate overtopping/flooding during a ½ PMF flood; and
3. Constructing parapet/retaining walls along the east side of the reservoir to mitigate overtopping/flooding during the ½ PMF flood.

GZA Letter at 3-4. The objectives of the Project are:

1. To maintain Grupes Reservoir Dam as an active public water supply resource of supply and preserve drought resiliency, and
2. To increase the safety and stability of the Grupes Reservoir Dam to mitigate risk of failure and threat to public safety.

Id. DEEP, which issued permit for the Project, as discussed below, explained that:

*"Flood events have caused an overtopping of the Grupes Dam, which has impacted its stability and has led to overflow to the east of the Reservoir to the property of the First Taxing District and to off-site properties. A dam failure at this site would result in probable loss of life and major property damage to downstream properties, which could impact as many as 252 private properties located in the 5.4-mile area between the Grupes Dam and the Merritt Parkway to the south. This application was filed to achieve the primary goals of flood control and to preserve the integrity of the public drinking water supply from the Reservoir, which provides service to more than 42,000 customers in Norwalk and New Canaan."*

See DEEP Final Decision in the Matter of First Taxing District City of Norwalk, Application No. DS201814638 (Final Decision).

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<sup>1</sup>A "PMF" Flood is a "probable maximum flood", which is the theoretically largest flood resulting from a combination of the most severe meteorological and hydrologic conditions that could conceivably occur in a given area." Proposed Decision (as defined below) at 5 fn. 7.

In connection with the Project and pursuant to CGS § 25-32(b) and RCSA § 25-3-(7)(c-1)(d-1), on November 14, 2018 NFTD submitted to DPH a Water Company Land Permit Application (WCL Permit Application) for a temporary change in use of 3.1 acres of Class I water company owned land. DPH issued a Water Company Land Permit on January 28, 2019 (WCL #2018-20).

Also in connection with the Project, on November 7, 2018, NFTD applied to DEEP for a dam construction permit pursuant to CGS § 22a-403 and a 401 Water Quality Certificate pursuant to 33 United States Code § 1341 (together, Dam Permit). DEEP conducted a public hearing on the Dam Permit application that spanned three sessions. See DEEP Proposed Final Decision in the Matter of First Taxing District City of Norwalk, Application DS-201814638 dated April 6, 2021 (Proposed Decision) at 1. DEEP's hearing officer also conducted a site visit. See Final Decision at 1. The Norwalk River Watershed Association (NRWA) and the New Canaan Land Trust (Land Trust) were parties to the DEEP permit proceedings as intervenors under CGS § 22a-19. In connection with the proceedings, all parties were given the opportunity to provide expert testimony and submit evidence. Id. at 4. After the public hearing concluded, parties filed briefs, legal memoranda, and proposed findings of fact and conclusions of law for the hearing officer's consideration. Id. at 1. On April 6, 2021, the hearing officer issued the Proposed Decision, which included findings of fact and conclusions of law and recommended that the Dam Permit be approved. Id. at 26. NRWA filed exceptions to the Proposed Decision, parties filed briefs on the exceptions and there was an opportunity for oral argument on June 17, 2021. See Final Decision at 2. Based on the information in the record, on September 9, 2021, DEEP issued the Final Decision affirming the hearing officer's recommendation to approve the Dam Permit. See Final Decision at 2. Neither NRWA nor the Land Trust appealed the Final Decision. On November 1, 2021 DEEP issued Permit No. DS-201814638 and WQC-201814641.

On July 28, 2021 NFTD applied to DPH for funding to execute the Project. In its discretion, and to assist with gathering relevant information, DPH initiated a public scoping process pursuant to RCSA § 22a-1a-6(c) by publishing a Notice of Scoping in the *Environmental Monitor* on July 5, 2022. The Notice advised that written comments would be accepted during a 30-day open commenting terminating on August 5, 2022. DPH also conducted a virtual public scoping meeting on September 19, 2022. Parties who commented in writing and/or orally at the public meeting include representatives of the NRWA, the Land Trust, Rivers Alliance of Connecticut, Long Island Sound Study, and the New Canaan Conservation Commission (NCCC).

DPH evaluated the comments based on information provided by the commenter, information available to DPH in the WCL Permit Application, the DWSRF funding application, as well as information pertaining to the Dam Permit (including NFTD's application for the permit and DEEP's proposed and final decisions), information obtained from NFTD and external environmental and engineering consultants. Significantly, the majority of the concerns raised by the commenters at DPH's public scoping meeting were thoroughly evaluated and addressed by DEEP in connection with that department's review and issuance of the Dam Permit discussed above.

The NRWA and Land Trust had ample opportunity to present facts and arguments on their positions to DEEP not only within the three days of public hearings, but also in the written exceptions and legal briefs. DPH has carefully reviewed DEEP's Proposed and Final Decisions. To the extent that the issues raised in the public scoping process are the same as those addressed by DEEP in its thorough and careful evaluation, DPH has given strong credence to the findings and information in DEEP's Proposed and

Final Decisions. The following analysis and response to comments is provided pursuant to RCSA § 22a-1a-6(H).

### **Purpose of the Project**

As discussed above, the purpose of the Project is to rehabilitate the Grupes Dam to address numerous concerns identified by NFTD’s consultant GZA in order to maintain the Dam as a public water supply source.

### **Departmental Review**

As the sponsoring agency, CGS § 22a-1b requires DPH to determine whether the project “may cause a significant environmental impact.” If so, an EIE must be undertaken prior to acting on the DWSRF funding application. CGS § 22a-1c defines “actions which may significantly affect the environment” to mean “individual activities or a sequence of planned activities ... which could have a major impact on the state’s land, water, air, historic structures and landmarks ... existing housing, or other environmental resources, or could serve short term to the disadvantage of long term environmental goals” In determining whether an action may significantly affect the environment, RCSA § 22a-1a-3(a), requires DPH to “(1) Consider the direct, indirect, and cumulative effects of an action... (2) Assess the setting, duration, irreversibility, controllability, geographic scope, and magnitude of those effects as the potential or actual consequences of an action.” These factors are incorporated into the State of Connecticut Environmental Review Checklist (ERC), which DPH has completed. A summary of concerns raised during the public scoping process and DPH’s findings regarding such concerns is provided below.

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**Concern 1: Alteration of Scenic View - Raised by:** Terry Spring - member of the public, Dave Havens – member of the public.

Commenters raised concerns about the effect of the Project on the views from the Land Trust property. See, e.g., Testimony of Terry Spring, DPH September 19, 2022 Scoping Hearing Transcript (DPH Transcript) at 19:35 and Dave Havens at 58:36 – 59:52

**DPH Response:** The DEEP hearing officer who issued the Proposed Decision (Hearing Officer), and who had the benefit of a site visit, stated in the Proposed Decision:

*“The work will not affect the scenic beauty of the area. The view from the Land Trust property will not be obstructed by the wall on the east side of the service road; at that area, the wall will be one to three feet high and will not prevent anyone standing on Land Trust Property from viewing the reservoir.”*

Proposed Decision at 9. Based on the plans submitted with the application for the Dam Permit, (GZA’s Dam Permit Application (DEEP Permit Application) dated November 7, 2018 Figures C3 and C4, at PDF pp. 56-7), DPH agrees that the height of the wall along the Land Trust Property will be only one to three feet and therefore, will not significantly interfere with the view of the reservoir.

In light of the Hearing Officer’s findings in addition to the information on the referenced plans, DPH finds that any alteration of the view of the reservoir from the Land Trust property will be de-minimis.

**Concern 2: Insufficient consideration of Flora and Fauna** - *Raised by:* Terry Spring - member of the public, Louise Washer – NRWA, Margaret Miner – CT Rivers Alliance, John Winter – Land Trust, Dave Havens – member of the public, Janet Brooks – Attorney for NRWA.

Commenters raised concerns regarding the potential impact of the project on plant and animal species generally, alleging that there was “no assessment of the impact on wildlife.” See, e.g., Letter from Attorney Janet Brooks (representing the NRWA) to Eric McPhee dated September 22, 2022 (Brooks Letter) at 2. Attorney Brooks noted DEEP’s practice of not requiring a wildlife study unless a listed endangered species might be impacted and argued that a CEPA review should extend beyond assessment of impacts on endangered species. Id. At 2.

**DPH Response:** It is appropriate to limit a CEPA review to species of concern. The ERC “Instructions for Use” state that the form is used “to record an agency’s initial assessment of the direct, indirect, and cumulative environmental effects of a proposed action at the completion of public scoping.” RCSA § 22a-1a-1(9). As CEPA regulations require this assessment of direct, indirect and cumulative effects to determine if an action may significantly affect the environment see RCSA § 22a-1a-3(a), the ERC is clearly intended to assist a sponsoring agency in determining whether an action may significantly affect the environment as required by CEPA. Significantly, the ERC section regarding impacts to flora and fauna requires evaluation of the “[e]ffect on natural communities and upon critical plant and animal species ...” (Emphasis added). Therefore, in complying with CEPA, it is appropriate for an agency to focus on impacts to critical species rather than extending the review to impacts on wildlife generally.

As noted in the Proposed Decision, “DEEP confirmed that the site is not in a conservation or preservation restriction area, or an area identified as a habitat for endangered, threatened or special concern species” and “the NRWA did not identify any rare species of flora or fauna that would be impacted.” Proposed Decision at 24. DEEP found that “the lack of impact to area wetlands and watercourses means there will be no impact on the flora and fauna living in those wetlands.” Id. Additionally, DEEP staff consulted the Natural Diversity Data Base (“NDBB”) and found “no indicators that would necessitate a wildlife study.” Final Decision at 17. GZA stated that “[t]here are no identified endangered species in the vicinity of Grupes Reservoir Dam. DEEP Permit Application at A-5.

Based on the information above, DPH concludes that the Project will not result in any significant impact to critical flora and fauna.

**Concern 3: Loss of Trees and Native Shrubs** - *Raised by:* Louise Washer – NRWA, Janet Brooks – Attorney for NRWA.

Commenters raised concerns about removal of “riparian buffer vegetation” and “the loss of roughly 400 trees and scores of native shrubs” that commenters believed had not been considered by DEEP in the Dam permit proceedings. See NRWA letter to Eric McPhee dated September 23, 2022 (NRWA Letter) at 1; see also Brooks Letter at 2. Attorney Brooks also raised the concern that because DEEP had not

considered removal of trees with a diameter of less than 16, “there was no evaluation of the impact to the tree community.” Id.

**DPH Response:**

Pursuant to RCSA [§ 22a-409-2\(f\)](#);

*“(6) To facilitate visual inspection during the intervals between regulatory inspections, the dam owner shall be required to maintain the structure and adjacent area free of brush and tree growth. (A) Brush and tree growth shall be cleared from embankments and within twenty-five (25) feet of the upstream and downstream toe and the abutment embankment contact; and (B) Grass on earthen embankment dams shall be established and maintained.”*

The proposed removal of trees, shrubs and brush along with their reasons for removal as a result of the proposed work was evaluated by the DEEP and, where necessary, made part of the proposed plan of work approved in the DEEP Dam Safety Permit. See Proposed Decision at 23. Furthermore, as noted by NFTD:

*“[T]he record reflects that the trees on the reservoir side of the road will have to be removed to the extent they are in the portion of the reservoir that will serve as part of the dam itself in serving to hold back flood water from neighboring property not owned or controlled by the Applicant. The removal of such trees is a regulatory requirement. Trees will be removed to the extent they are required to be by these standards as reflected in the record.”*

First Taxing District Water Department Comment Responses to Scoping Zoom Meeting for Grupes Dam, dated November 2, 2022 (NFTD Response) at 2.

DEEP found that:

*“The evidence and testimony demonstrated that the only trees that will be removed will be those necessary for the wall to be constructed, and for any portion of the berm not located in the existing reservoir service road.”*

Final Decision at 18. DEEP further found that tree removal in the embankment area was required to prevent undermining the embankment and potentially weakening the Dam, and that any impacts that would occur, would not be harmful to trees of a significant size. Id. at 18-19.

Based on the information above, DPH finds that while there will be loss of trees, NFTD’s planned removal of trees, shrubbery and brush is required for compliance with applicable regulations and necessary to preserve the integrity of Dam structures and reservoir embankments, prevent undermining of the earthen embankment, possible weakening of the Dam by roots, and to facilitate continued maintenance of the Dam. DPH further finds that the project will protect tree and shrubs by reducing possible loss of trees due to flooding.

**Concern 4: Potential Impacts to Adjacent Wetlands and Streamflow to Reservoir** – Raised by: Louise Washer – NRW, Janet Brooks – Attorney for NRW, Laura Wildman – CT Engineer, Margaret Miner – CT Rivers Alliance, John Winter – Land Trust, Alfred Tibbets – Land Trust, Christopher Schipper – New Canaan Conservation Commission.

Commenters raised concerns regarding the effects of the proposed wall on adjacent Land Trust property wetlands as a result of changes to streamflow across that property to the reservoir. See, e.g. NRW Letter at 1. Commenters were concerned that the berm proposed to extend along a portion of the reservoir would restrict drainage of waters across Land Trust property and into the reservoir. They expressed concern that waters would back up and flood the Land Trust property. See, e.g., testimony of John Winter, DPH Transcript at 53:24 – 55:20 and Christopher Schipper, at 1:4:18 – 1:5:36. Commenters claimed that DEEP staff had not evaluated impacts to offsite wetland such as those on the Land Trust property. See testimony of Laura Wildman, DPH Transcript at 39:46 and Janet Brooks, at 31.17-32:50.

**DPH Response:** Even assuming, for the sake of argument, that the commenters were correct in that DEEP staff did not evaluate impacts to off-site wetlands, NRW and the Land Trust had a full and fair opportunity to present expert witness testimony on this point to the DEEP hearing officer. As the hearing officer noted in her Proposed Decision:

*“I allowed the experts for the NRW to fully testify about their beliefs that there were wetland areas that would be impacted by this dam safety project. I listened to their testimony at the hearing and reviewed it after in the recording of the hearing. I reviewed the record, including the materials presented by the experts, and gave their concerns and presentation my full consideration.”*

Proposed Decision at 23. After receiving the NRW’s evidence on potential impacts to off-site wetlands, and hearing related testimony from GZA’s engineer John DeLano and DEEP’s staff Danielle Missell, the hearing officer determined the concerns were unfounded:

*The NRW offered the testimony of their expert witnesses, who identified other areas of wetlands and claimed there will be impacts as a result of the proposed work. These wetlands will not be directly impacted by construction activities. Instead, impacts will be due to changes in grades along the east side of the service road, and will be insignificant. The flow of water out of any wetlands on the Land Trust property will continue to the south along the east side of the service road onto the Applicant’s property. Evidence offered by the NRW that a large volume of water drains across Wetland A [a wetland partially on NFTA property and partially on Land Trust Property (see Final Decision at 16)] and could be backed up by construction was not persuasive. Other evidence presented by witnesses for the NRW of purported changes in water flows as a result of the construction work was inconsistent, speculative and not convincing. The elevation of the wetlands indicates water will flow in the direction of the Reservoir rather than away from it. Waters that currently flow to these wetlands will continue to flow there after the completion of this project. Moreover, these wetlands on the Land Trust Property will be protected from overflow from the Reservoir during a ½ PMF storm due to the work that is the subject of the application – the wall, berm and concrete wall to be constructed to the west of the east service road proximate to the Reservoir.”*

Proposed Decision at 10-11. The NRWA had yet further opportunity to present its position in the exceptions it filed to the proposed findings as well as in its brief and oral argument on the exceptions. See Final Decision at 2. Nevertheless, the Final Decision also concluded that the “proposed dam safety project does not have an impact on Land Trust wetland.” Final decision at 17.

Based on the information discussed above, DPH finds that the Project will not cause any significant impacts to wetlands or watercourses on the adjacent Land Trust property, nor will it cause waters to back up on that property. Furthermore, the Project will serve to protect such wetlands and watercourses from flooding during a ½ PMF storm.

**Concern 5: Proposed Alternative Approaches to Dam Restoration** - *Raised by:* Laura Wildman – CT Engineer, Diane Lauricella – member of the public, Alicea Charamut – CT Rivers Alliance, Alfred Tibbets – Land Trust, Janet Brooks – Attorney for NRWA.

Commenters suggested there were other viable alternatives that would be less environmentally damaging. See, e.g., NRWA letter at 2. Attorney Brooks also claimed that DEEP’s analysis was insufficient under CEPA because CGS § 22a-1b(c)(5) requires a CEPA analysis to evaluate whether an alternative “minimizes or mitigates environmental impacts,” which she claimed could not be done because all impacts have not been determined. See Brooks Letter at 3.

**DPH Response:** As a preliminary matter, CGS § 22a-1b(c)(5) requires evaluation of alternatives that minimize or mitigate environmental impacts only if a determination is made that the project may significantly affect the environment. Such determination has not been made in this case. Nevertheless, DPH has considered alternatives, including whether they would minimize or mitigate environmental impacts.

As part of the design effort, GZA performed an alternatives analysis to evaluate various options to achieve the project objectives. See GZA’s DEEP Permit Application at A3-A5 (PDF pp. 19-22). Each alternative was evaluated based on its technical feasibility, constructability, cost, as well as operational considerations. The proposed project approach was selected because it achieved the project objectives while also being the most cost-effective.

Alternative concepts were suggested by the NRWA (NWRA Letter Figures 2, 3 and 4) and testified to by Laura Wildman. See testimony of Laura Wildman, DPH Transcript at 39:17-40:54. Although DPH was not provided with detailed descriptions of these alternatives, the DEEP proceedings afforded NWRA a full opportunity to present all relevant evidence as to the suggested alternatives:

*“The NRWA was given a full opportunity to present its proposed alternatives, including extensive presentations and explanations of its exhibits by its primary witness.”*

Proposed Decision at 12. Based on testimony from GZA’s engineer John G. DeLano, DEEP’s hearing officer found the alternatives were not viable because they would:

*“require the use of Land Trust property for temporary storage of flood waters, property over which the Applicant has no authority and which, as a result of the proposed project will not be impacted by flood waters ... would impact the use of the gatehouse and footbridge, require more land than what is available, impact the infrastructure downstream of the Dam, effect [sic] forested and wetland areas in the boundary between the Applicant’s land and the Land Trust property, and use parts of the Dam*



*structure that are in a weakened condition. Some design changes could result in the need to remove more trees than the amount already of concern to the NRWA, would not meet required elevations, and harm area wetlands by impacting water flow and impounding water during a 1/2 PMF storm”*

Proposed Decision at 12. The hearing officer concluded:

*“In sum, none of the concepts presented by the NRWA demonstrated that they were either novel ideas or developed to the point that they could [be] considered as an alternative means to meet the Applicant’s objective of controlling flooding during a 1/2 PMF storm without causing greater impact to the natural resources of concern to the NRWA.”*

Id. at 12-13.

Based on the above-referenced documents and information, DPH concludes that a thorough examination of proposed alternative approaches to the rehabilitation of Dam has been conducted and the current proposal was chosen with the intention of complying with Dam Safety regulations while limiting environmental impact by all practical means.

**Concern 6: Evaluation of “Direct Impacts” - Raised by: Janet Brooks – Attorney for NRWA**

Attorney Janet Brooks raised concerns that DEEP’s evaluation of “direct impacts” in the proceedings on the Dam Safety Permit was more limited than the impacts DPH is required to consider under CEPA regulations (thus suggesting that DPH cannot rely upon DEEP’s findings). Brooks letter at 1 and Janet Brooks testimony, DPH Transcript at 30:47 – 32:57. Specifically, she stated that DEEP did not consider off-site wetlands and watercourses or on or off-site impacts to non-watercourse resources. Janet Brooks testimony, DPH Transcript at 31:49 – 36:26.

**DPH Response:** As discussed with respect to Concern 4 above, DEEP evaluated the potential impacts to off-site wetlands raised by the NRWA. Additionally, as discussed with respect to Concern 2 above, the Applicant, GZA and DEEP considered impacts to non-wetland flora and fauna, appropriately limiting such consideration to flora and fauna of concern. Therefore, based on the information set forth in Concerns 4 and 2 above, DPH finds that off-site wetlands and as well as non-wetland resources have been considered, and that there will be no significant adverse impacts to either.

**Concern 7: Request for Further Environmental Review - Raised by: Janet Brooks – Attorney for NRWA, Laura Wildman – CT Engineer, Diane Lauricella – member of the public, John Winter – NCLT, Alicea Charamut – CT Rivers Alliance. Tom Cronin – Land Trust.**

Commenters raised concerns that DPH should require NFTD to conduct further environmental review. See e.g., Brooks Letter at 3; NRWA Letter at 2.

**DPH Response:** As set forth in the responses to comments described herein, a thorough review of relevant environmental impacts has been conducted through the combined efforts of the Applicant, its expert GZA and DEEP. DPH has determined that the applicant carefully weighed alternative approaches, taking flora, fauna, wetlands and watercourses into consideration, and in so doing, selected the most feasible and prudent option to accomplish the project goals with minimal environmental

impacts. As set forth in the ERC, based on the factors in that checklist, the Project is not one that may significantly affect the environment. Therefore, DPH concludes that there is no need for further environmental review.

**Concern 8: Necessity for Raising the Dam 4 feet** - *Raised by:* Laura Wildman – CT Engineer, Margaret Miner – CT Rivers Alliance.

Commenters questioned the need for the proposed 4-foot increase in the height of the Dam. See, e.g., testimony of Laura Wildman, DPH Transcript at 38:41; Submission from Margaret Miner to Eric McPhee dated August 5, 2022 at 1. Ms. Wildman suggested it was not necessary to raise the Dam for purposes of water supply. See testimony of Laura Wildman, DPH Transcript at 38:41.

**DPH Response:** DEEP found that “the top of the Dam will be increased by four feet to elevation 306 to provide additional spillway capacity and freeboard (to allow for wave action) to prevent overtopping and pass floodwaters from a ½ PMF.” Proposed Decision at 5. DEEP further found that “overtopping by previous flood events had “impaired [the Dam’s] stability and cause[d] overflow from the Reservoir to the East Service Road and to other properties.” Id.

GZA’s 2021 Letter confirms that the dam is being raised to “mitigate overtopping during the spillway design flood [½ PMF].” GZA Letter at 3. DEEP further found that “proposed work on the structure (including raising the Dam 4 feet) will increase the Dam’s resistance to overturning and enhance its ability to withstand forces associated with normal water surface elevation and up to a ½ PMF storm.” Proposed Decision at 14. Therefore, the Dam height was not being raised for purposes of water supply, but rather, to prevent overtopping. And in fact, the Project will not increase the storage capacity under normal conditions because it does not include altering the existing spillway elevation or dimensions. See GZA Letter at 3.

Based on the information above, DPH concludes that there is a documented need to raise the Dam 4 feet in order to prevent overtopping and destabilization.



*While the Dam will be raised 4’ the spillway and normal reservoir level will remain unaltered*

**Concern 9: Relevance of Grupes Reservoir as a Public Water Supply - Raised by: Christopher Schipper – New Canaan Conservation Commission**

Commenters suggested that Grupes Reservoir is not an active public water supply. See testimony of Christopher Schipper, DPH Transcript at 1:6:16 – 1:6:46.

**DPH Response** : Grupes Reservoir is classified on DPH’s internal Safe Drinking Water Information System (SDWIS) as an active source of public drinking water supply. Additionally, it is routinely used during periods of drought and is a critical contribution to NFTD’s safe yield calculation See NFTD Response at 11. According to GZA:

*“If the Grupes Reservoir supply (47 MG) were to be removed from service, the adequacy of NFTD’s supply would be reduced, and the drought risk would increase significantly.”*

GZA Letter at 3. Additionally, the Grupes Reservoir is utilized to meet the [State of Connecticut stream flow requirements](#) that help to feed the Silvermine River. See Id.

Based on the above information, DPH finds that Grupes Reservoir is a critical resource for public water supply and is necessary to maintain minimum flow standards pursuant to RCSA § 26-141a-1 to 26-141a-8.

**Sponsoring Agency Conclusion**

In careful consideration of public concerns as well as NFTD, GZA and DEEP’s evaluations (available [here](#)), and as set forth in the [Environmental Review Checklist](#) , DPH recommends that the proposed project, as permitted for approval by DEEP, be supported with DWSRF funding without the need for an EIE.