Document Accession #: 20240830-5299 Filed Date: 08/30/2024

KARL F. ACIMOVIC, P.E. & L.S.

CONSULTING ENGINEER

588 Stonehouse Road • Coventry, CT 06238-3138 • TEL (860) 742-9019 • e-Mail: karl26535@outlook.com

August 29, 2024

Mr. John Spain
Regional Engineer
FERC-D2SI
New York Regional Office

via FERC eFiling and email
john.spain@ferc.gov

Re: Project No. 6985-CT, Kinneytown
Plan to Lower Coe Pond Water Level to Mitigate Public Safety Risk

Dear Mr. Spain:

Pursuant to your safety orders issued on October 4, 2023 and April 5, 2024, I provide the following plan and schedule to mitigate the public safety hazard posed by the Coe Pond Earthen Dam (plan). The plan consists of the following narrative and the attached sketch showing the location, depth and width of the cut needed to lower Coe Pond's water level.

Background

The Coe Pond Earthen Dam is part of the larger Kinneytown Hydroelectric Project regulated by the Federal Energy Regulatory Commission (Project No. 6985). The Kinneytown Project is on the Naugatuck River in Seymour and Ansonia. The safety work will take place in Ansonia.

The Naugatuck Valley Council of Governments (NVCOG) has contracted with me to develop this plan and oversee a construction contractor to implement this plan. NVCOG does not own or control the Kinneytown Project. NVCOG will perform this work with the agreement of the Project owner, Kinneytown Hydro Company, Inc. (KHC).

NVCOG is working with the Connecticut Brownfield Land Bank (CBLB). CBLB intends to acquire the Kinneytown Project, remove the Kinneytown Dam, and restore the Naugatuck River, its fishery and aquatic habitat. To that end, CBLB and KHC have entered into an Asset Purchase Agreement, dated April 17, 2023, as amended (the "APA"), under which CBLB is scheduled to close on the acquisition of the assets of KHC on or before November 15, 2024. However, the condition of the Coe Pond Earthen Dam is such that it could fail at any time and presents a substantial risk to public safety and downstream infrastructure. CBLB cannot assume the potential liability presented by the Coe Pond Earthen Dam and will not acquire the Kinneytown Project unless the public safety hazard is first and timely mitigated. CBLB's ability to terminate the APA, under the due diligence contingency provision, expires on September 30, 2024.

This plan will temporarily mitigate this public safety hazard and afford the time needed to accomplish the more permanent safety fix that will be provided by removal of the Kinneytown Dam.

Recent storms amply demonstrate the very real and increasing risk posed by the Kinneytown Project and the Coe Pond Earthen Dam. The Project is decrepit, effectively abandoned, its owner absent, has not been maintained, and will only continue to deteriorate.

Engineering / Construction Approach and Methods

This plan was developed after site inspection and discussion with a CT-licensed contractor who is experienced in dam construction and after a review of most recent dam inspection report and related documents[1]. We propose to saw-cut and/or jackhammer a notch that is 3.5 feet deep and 20 feet wide into the existing concrete weir of the headrace canal that extends north of the Ansonia powerhouse and spillway. See attached sketch. This cut will be made with hand-tools and small power equipment. The size of this notch opening is based upon a review of the recommendations proposed in the Gomez & Sullivan inspection report and my review, using similar software, of the watershed hydrology and the dam weir's hydraulic capacity. The resultant opening noted above will, thus, be based on its ability to pass flows from an approximate 500-year storm event for the Coe Pond watershed[2].

The contractor will access the site using the Town of Ansonia's existing access roadway along the east side of the railroad tracks and west side of North 4th Street. The existing driveway area adjacent to the powerhouse will be used for staging and storage of equipment.

Access will be secured over the stairway south of the Ansonia powerhouse and across the existing platform over the sluicegate area just upstream of the powerhouse entrance. Bridging over the sluicegate intake and penstock area will be replaced and/or reinforced for safety of personnel to transfer equipment to the work site along the side weir of the headrace canal. Equipment will also be staged on the earthen embankment adjacent to the concrete weir that is proposed to be notched. Scaffolding will be set up between the concrete weir and the earthen embankment as necessary to create a stable work platform.

By employing hand tools, the work will not require the installation of a coffer dam, the use of heavy equipment, siphons, or pumps. Since no heavy equipment is proposed, the work does not require installation of a construction entrance or regrading, or soil erosion and sediment controls. All flow will continue to discharge through the concrete-lined headrace that leads to the by-pass spillway at the Ansonia powerhouse.

---

[1] Review materials included "Coe Pond Dam Inspection Findings", prepared by Gomez & Sullivan; various correspondence from FERC to Trimaran LLC re: the dam's stability, various safety issues, maintenance required and inspections results; HEC-RAS profiles prepared by Gomez & Sullivan for various storm events affecting areas adjacent to Coe Pond Dam; and various NVCOG planning documents regarding dam removal and sediment issues.

[2] Using USGS StreamStats would produce an inflow to the weir from a 500-year event of approximately 354 cfs, for which the notch is currently sized.

After gaining construction access and staging, a new opening will be created within the concrete weir, using hand and power tools to saw-cut and jack-hammer concrete sections to the required opening size. Because of the minimal amount of material to be removed from the weir, small rubble fragments will be placed on the earthen embankment in an area that will not present any hindrance to ongoing site operations and an area acceptable to all parties involved in the project. Concrete fragments will be removed at a later date by others during the full dam removal. Any rough or gap areas created by concrete removal along the new weir opening will be patched, filled or parged with concrete, cement, epoxy grouts or other appropriate material as the situation may require.

Upon completion of the work, all areas will be cleaned, equipment removed, and the site restored to pre-existing conditions.

Sediment Management

No sediment management is required as no impounded sediments are anticipated to be released. The impounded sediment delta in Coe Pond is primarily confined to the upstream end of the impoundment, approximately 2,000 feet upstream of the spillways at the abandoned Ansonia powerhouse. Downstream from the sediment delta, Coe Pond deepens to a point substantially lower than the proposed 3.5-foot notching. This means that any impounded sediment mobilized from the upstream delta by lowering Coe Pond's water level will deposit or settle out into the deeper section in the center of Coe Pond and will not reach the weir that is being notched.

Schedule

Work on this project will begin upon NVCOG's notification to proceed, presumably upon receipt of needed authorizations. We understand that due to limited time constraints, it is anticipated that construction will begin as soon as practicable and, preferably, in early Fall of this year. The following is a preliminary schedule and sequencing, pending necessary approvals:

Sept. 16 – 18, 2024	Site access and setup of primary staging and storage area.
Sept. 19 – 25, 2024	Set up secondary staging area on embankment crest.
Sept. 25 – Oct. 2, 2024	Set up temporary access structure over weir as a working platform and remove concrete weir section. Place debris in temporary storage area.
Oct. 2 – 7, 2024	Removal of all temporary work areas; site cleanup and restoration.

Again, we are prepared to accommodate this schedule and work the Contractor to accomplish the necessary work as soon as practicable before the end of the Fall season.

Flows

Your April 15, 2024 order asks that we "Include a statement in the above plan whether your proposed action would conflict with any of these terms and conditions and in particular, whether you can maintain required minimum flows during and after your work is completed." These flows were set to make best use of the Project's fish passage facilities. However, the fish passage facilities are no longer operable, nor are the gates, powerhouses, flashboards, and other facilities needed to control flows.

This plan will be implemented in Class B waters that are impaired because they do not meet the habitat designated use.

This plan and its implementation are critical not only to public safety in the short term, but to enabling the permanent safety fix, restoration of unfettered fish passage, [3] and the overwhelmingly greater water quality, habitat quality, and recreational opportunities provided by removal of the Kinneytown Dam.

Please let me know if you have any questions.

Sincerely yours,

Karl F. Acimovic

Karl F. Acimovic, P.E. & L.S.

[3] See e.g. "Plan to Restore Diadromous Fishes to the Naugatuck River Watershed", prepared Oct. 2022. (Concluding that removal of the Kinneytown Dam is the preferred method of restoring the Naugatuck fishery and meeting WQS).

Document Accession #: 20240830-5299 Filed Date: 08/30/2024

TARRANT GILLIES & SHEMS

GERALD R. TARRANT
PAUL S. GILLIES
RONALD A. SHEMS
MICHAEL J. TARRANT II
NICHOLAS A.E. LOW

44 EAST STATE STREET
MONTPELIER, VT 05602
(802) 223-1112
FAX: (802) 223-6225

K. HEATHER DEVINE
SARAH E. BUXTON
DAVID K. MEARS
STEPHEN F. COTEUS,
of counsel

August 30, 2024

John Spain
Regional Engineer
FERC-D2SI
New York Regional Office

via FERC eFiling and email: john.spain@ferc.gov

Re: Project No. 6985-CT, Kinneytown
Plan to Lower Coe Pond Water Level to Mitigate Public Safety Risk

Dear Mr. Spain:

Attached for your review and approval, and in accordance with your dam safety letters issued on October 4, 2023 and April 15, 2024 (order(s)), are a plan and schedule to mitigate the public safety hazard posed by the Coe Pond Earthen Dam (plan). Please note the schedule and other time constraints under which NVCOG is operating. NVCOG respectfully requests your prompt review and approval. We also request that the project owner be directed to implement the plan as approved.

This cover letter addresses the resource agency consultation and public outreach required by your April 15 order. The attached plan covers the orders' remaining aspects.

The Naugatuck Valley Council of Governments (NVCOG) is submitting this plan and will perform the work detailed in the plan with the agreement of the Project owner, Kinneytown Hydro Company, Inc. (KHC). This work is being done to allow NVCOG partner Connecticut Brownfield Land Bank's (CBLB) acquisition of the Kinneytown Project. NVCOG and CBLB intend to petition the Commission to remove the Kinneytown Dam, and restore the Naugatuck River, and surrender the exemption (the project).

Public Outreach

NVCOG is a public governmental entity comprised of the 19 Naugatuck Valley municipalities. NVCOG, in partnership with environmental non-profit Save the Sound, is committed to engaging the public on all aspects of this project, including Coe Pond Dam mitigation measures. They have developed a robust mailing list and email list from outreach performed relative to the NOAA grant funding this project. This list will be leveraged to notify neighbors about the Coe Pond plan. NVCOG also intends to issue a press release to local news outlets, including the Valley Independent Sentinel and the Republican-American, in addition to posting on the NVCOG website and social media. Save the Sound and NVCOG have been and are holding public meetings every other month, where the community will have a chance to ask questions about the project and receive status updates. Finally, NVCOG will work with the selected contractor to ensure proper safety measures are in place before work begins, including signage alerting the public to keep out of the exposed shoreline.

Agency Consultation

NVCOG is pursuing this project in cooperation with its agency partners including the USFWS, CT DEEP and EPA. NVCOG is in regular contact with CT DEEP regarding this plan and the overall project. Specific to this plan, CT DEEP directed NVCOG to address safety mitigation work through the Commission. As such, NVCOG has met and is in communication with CT DEEP to coordinate NVCOG's August 8, 2024 request that CT DEEP waive CWA § 401 certification specific and limited to implementation of the attached plan. On August 15, CT DEEP specified the information it requested to inform a waiver decision, including this plan. In conjunction with this filing, NVCOG is providing CT DEEP with the plan as filed today (with the understanding that the plan is subject to your review and not yet final) and the other information it requested. In addition, CT DEEP committed $1.6M to help fund NVCOG's efforts and is generously taking affirmative steps to allow a portion of this amount to fund this plan and its implementation.

NVCOG has been regularly updating the USFWS regarding the project and this plan. NVCOG promptly notified the USFWS upon determining that Coe Pond should be lowered to mitigate the public safety hazard. In response to information provided by NVCOG and your October 4, 2023 dam safety letter, the USFWS filed its October 12, 2023 comments stating that it does not object to lowering Coe Pond's water level. FERC Accession No. 20231012-5096.

NVCOG has been consulting with Region I EPA. And as you know, NVCOG has also been coordinating its efforts with Commission staff.

* * *

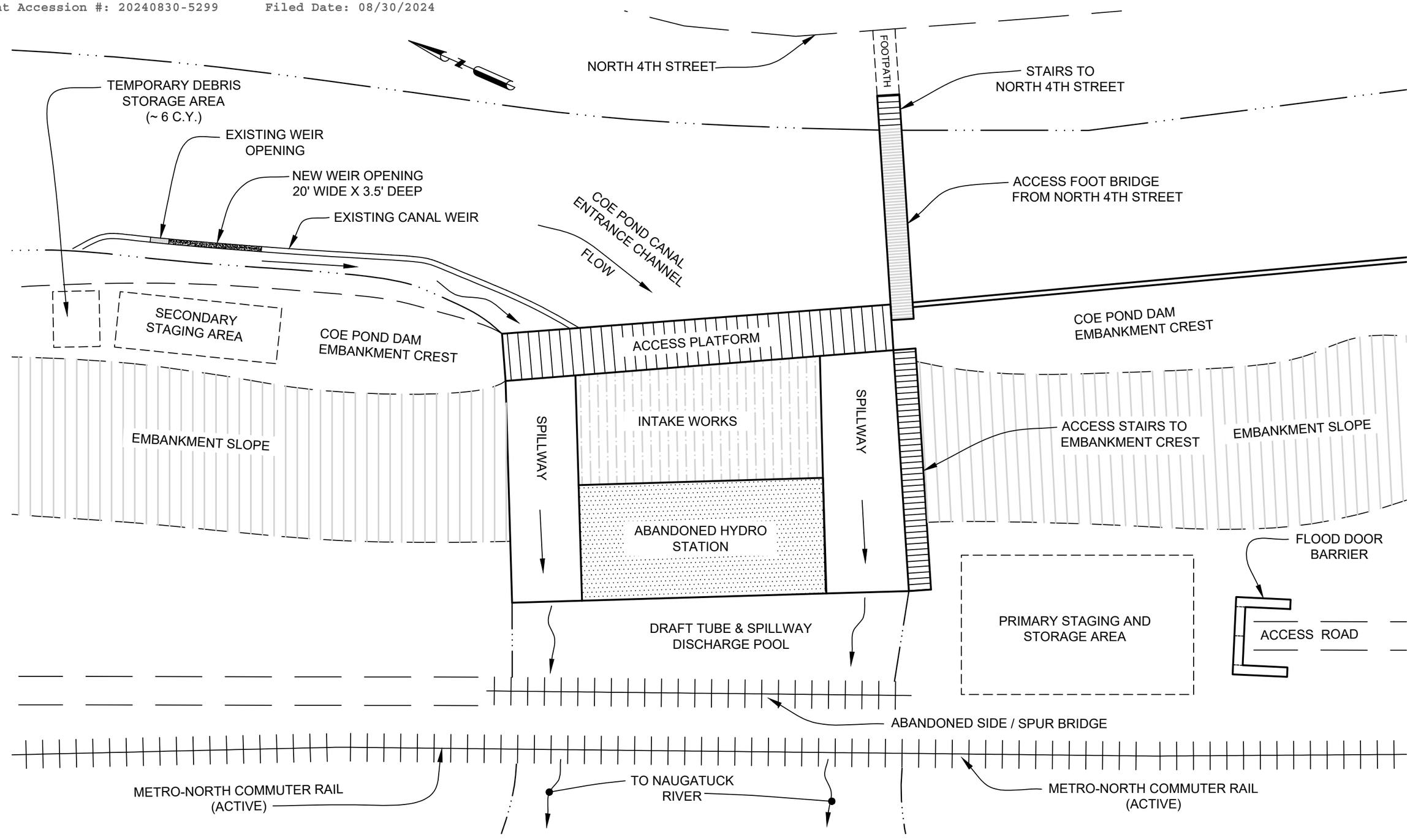
Please let me know if you have any questions. I am also happy to put you in direct contact with Karl Acimovic, P.E. who prepared the attached plan.

NVCOG looks forward to your prompt review of the attached plan and requests that the project owner be directed to implement the plan as approved.

Sincerely,

Ronald A. Shems
Tarrant, Gillies & Shems
Attorneys for NVCOG and CBLB

c: Tim Carlsen
Camille Fontanella
Melissa Grader
Andrew Tittler
Rick Dunne
Karl Acimovic, P.E.
Laura Wildman
Paul Woodworth



NAUGATUCK VALLEY COUNCIL OF GOVERNMENTS
LOWERING OF WATER LEVEL AT COE POND DAM
ANSONIA, CONNECTICUT

PREPARED BY: KARL F. ACIMOVIC, PE & LS / 08-29-2024

SCALE: 1" = 20'

DRAFT

Document Content(s)