

Update on the May 8, 2007 Emergency Supplemental Dam Safety Order

Though the summer is over and the immediacy of the low water level crisis is somewhat abated because summer folks have returned home, school is back in session and everyone is getting ready for winter. Ray Fortier, MEMA and the Core Group remain active and although there is little visibly apparent, there is much to update.

The remedial action plan from Wright-Pierce Environmental Engineering Services, Mr. Fortier's engineering firm, was submitted to MEMA on **August 31, 2007**. On **September 24, 2007** a MEMA Supplemental Dam Safety Order was sent to Mr. Fortier, rejecting the August 2007 plan as inadequate and citing no fewer than seven deficiencies. [a copy of the September 24, 2007 MEMA Order is posted on the LAA website] Further, **October 25, 2007** was set as the deadline for submitting a remedial action plan that meets the stated requirements and the **December 31, 2007** as the deadline for completing repairs or "pay civil penalties of five hundred dollars per day" for each day after the deadline to completion.

On **October 12, 2007**, a delegation from the Core Group, with the aid of Representative Terry Hayes of Buckfield, met with Attorney General Steven Rowe, MEMA Director Rob McLeer and House Speaker Glenn Cummings to hand deliver copies of the local petition with more than 180 signatures. State officials were receptive and agreed to learn more about what was happening and to support the resolution of this local situation. Representative Hayes, Senator Bruce Bryant and Speaker Glenn Cummings wrote a letter dated October 15, 2007 in support of the petition and requesting MEMA's enforcement of civil penalties outlined in the September 24, 2007 Order.

On **October 25, 2007**, a revised remedial action plan was received by MEMA from Ray Fortier and Wright-Pierce. This report was submitted on time but apparently still lacks sufficient engineering details to be accepted by MEMA. It would appear that fines are, therefore, accruing but we have not seen any official notification as yet from MEMA and we have no reason to believe that Mr. Fortier is paying such fines. The Attorney General's office will most likely have to take the dam owner to court to enforce these fines.

The dam owner was seen moving dirt and boulders from around the embankments and several officials visited the site. Two test holes were dug for Wright-Pierce with MEMA approval. Soil samples and structural inspection of the gantry and hoist were conducted by Summit Geo-engineering Service around October 30th, Mr. Fortier filled in the test holes upon MEMA orders around November 6, and there is to be no more earth moving at the site until a DEP permit is issued for the next step.

The dam owner has repeatedly indicated that he fully intends to meet the MEMA December 31st deadline for repairs of the dam and plans to do most of

the work himself under the supervision of his engineers as required by the MEMA Order. Wright-Pierce has given him two alternatives:

1. Hire a contractor with appropriate experience approved by Wright-Pierce
2. The owner completes the work assisted by a contractor with qualifications and experience that meet Wright-Pierce's approval, with a Resident Project Representative from Wright-Pierce must be on site anytime work associated with the dam is done, and several other requirements were included in the proposed agreement for supervising work to make sure that repairs are completed correctly and to their engineering specifications.

Mr. Fortier has reportedly chosen option two but not met all the requirements of that option as yet.

The Core Group continues to work on a final solution that ensures the safety of the dam and a return to water levels that meet the 1996 Water Level Management Plan. Change in ownership of the dam is still a strong possibility in reaching a final solution. This will take money, time and serious planning.

Lake Anasagunticook and the Mill Pond Associations have dam funds started, which have received donations to be used for resolving the water level issues. When bills are received (for example, attorney fees or other costs associated with taking ownership of the dam), the Core Group or the Town of Canton will ask for financial support. In the meantime, both associations will actively solicit further donations.

What can you do to help? Stay informed. Act on facts not gut reactions. Make a donation to the LAA Dam Fund. Get involved by asking your questions, making your suggestions, help us with fundraising ideas or find a way to be a part of this strong local effort. All Core Group meetings are open to the public. The next meeting is 6:30 p.m., November 26th at the Canton Town Office.

Submitted by, Judy Hamilton, Secretary of the Core Group