

**DRAFT
TOWN OF OLD SAYBROOK
WATER POLLUTION CONTROL AUTHORITY
302 MAIN STREET
OLD SAYBROOK, CT 06475-2369
Out of District Public Education Session**

Saturday, June 27, 2009

The Town of Old Saybrook Water Pollution Control Authority met on Saturday, June 27, 2009, in the Chalker Beach Clubhouse at 17 Tucker Road, Old Saybrook, CT to conduct a Public Education Session on the Decentralized Wastewater Management District program for the neighborhood of Chalker Beach.

I. Call to Order

The meeting was called to order by Chairman Pavel Wilson at 7:00PM.

II. Introduction of WPCA and Staff

Chairman Pavel Wilson, George Gwizd, Mike Evangelisti, Chuck Wehrly, Doris Zumbroski, Don Lucas, WPCA Coordinator, Robbie Marshall, WPCA Info. Specialist and members of the public were in attendance.

III. Public Information Session for Out of District.

Chairman Wilson discussed some comments that were made at the June 17th Public Hearing. He reviewed the groundwater monitoring results. The DEP says the pollution is any amount above the baseline level. The DEP Commissioner backed by the CT Supreme Court said if there is perceived pollution, you will clean it up. A resident had said they don't trust the government. Chairman Wilson said the WPCA is made up of residents, not the government, who are advocating what they feel is the best solution. The same resident had said that when government is involved the cost becomes 2 or 3 times higher. We feel that the \$40 million estimate is liberal and that with the new technologies we can more than likely significantly reduce the costs.

Coordinator Lucas presented the Chalker Beach map and PowerPoint slides.

IV. Questions and Answers

Q: Are the results of the groundwater monitoring available?

A: Yes. They are in the Library and Town Hall.

Q: We checked and rechecked after a well was high, the following year. You gave the impression that all the tests came up with pollution and that's just not true. It was a very very small amount of pollution and it did not occur in the following tests.

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A: We took the results of the tests to the DEP and they said you're right, you don't have gross pollution, but you have pollution. You have to abate the pollution. We lost twice in the State Supreme Court.

There was a discussion about the rest of the state.

Q: So it doesn't matter what we show, they say we're polluting.

A: That's correct. The DEP Commissioner says we're polluting and the Supreme Court backed them up twice.

Q: Regarding the AT Systems, the 50% nitrogen reduction is the only parameter put on the system?

A: The nitrogen is the only parameter addressed by AT systems, there is no concern with phosphorus or other pollutants in the standards we have to monitor for.

Q: What is the level of nitrogen that is considered being polluting?

A: Normal household waste is generally considered to have 40 milligrams per liter of nitrogen as it exits the house. That varies day to day, but the average is 30 milligrams per liter. The upgrade standards require us to get it down by 50%. The nitrogen loading is different depending on the source; washer, toilet, sink etc.

Q: How are you addressing the runoff from Route 1?

A: That is not being addressed in this program.

Q: How are they addressing the e coli in the Sound?

A: The 24 inch separation distance to groundwater should provide adequate treatment for fecal coliform.

Q: We've had extreme rains. Everyone is going to be polluting.

A: The Public Health Code standards say that it is the water level that is maintained for 30 consecutive days. If you get a big storm the state does not recognize that as the natural groundwater level.

Q: Are the AT systems mechanical; are there costs to run them?

A: It's about a dollar a day.

Q: What about when you're not there?

A: They don't have to run.

Q: Then the pumps will never start up again.

A: In our experience with the AT suppliers they haven't indicated that there is a problem starting them up again in the Spring. That is one of the criteria; how suitable are they for seasonal use.

Q: There was some legislative testimony by an expert on the ATS. He indicated that there is a high failure rate, about 40-50%. And that has been borne out in CT. If my system fails, is there an additional charge? If it fails what happens then?

A: There is a maintenance contract; they will check the pumps and filters.

Q: Is that something I can do? Probably not, the contractors are licensed and trained to maintain the systems. They are fairly complex.

Q: Is that the \$600-800 on the slide?

A: Yes that is the maintenance fees.

Q: Who certifies these people?

A: We will be establishing that criteria and training.

A: As far as the system failing all together, there is a leaching area down stream of that system and there is the soil absorption component that will help take care of it.

Q: What happens if there is a power failure?

A: There is a storage volume, the tank is bigger than it needs to be. If it fills up it will overflow into the leaching field.

Coordinator Lucas explained the reason for the pump in the AT system. It is used to recirculate the wastewater through the system to remove the nitrogen. The septic tank is anaerobic. The AT System is aerobic. It introduces oxygen and changes the chemistry of the nitrogen.

Q: What is the maximum height that the AT system sits above the ground?

A: It depends where you are; how much separation from the bottom of the system to the groundwater. There are systems now that have a very shallow leaching component; only 4 to 6 inches deep.

Q: Is the piping that goes into the house any higher or lower than the traditional septic system?

A: No.

There was a discussion about the relationship between the WPCA and DEP.

Q: If the WPCA had gone to the DEP with questions about the testing, and the DEP had giving guidance on it, that sounds like it is grounds to re-open the case.

A: The mediated settlement says the Town would be given an opportunity to address the pollution. We had already lost twice in the Supreme Court and were told to abate the pollution.

Q: On what standard?

A: Whatever standard the DEP sets. Their definition of pollution is the impact on the environment by human activity.

Discussion on going back to court. They could have gone back to court and enforced a central treatment plant and sewers. Mediation gave us an opening to develop another alternative. This is the one that's on the table now.

Q: In the state of Rhode Island the state stands behind it; does the education and runs the program. This is the town of Old Saybrook. How are you going to do that? You need a million dollar budget.

A: The state of Rhode Island is the size of a county. Because they are small, the state does issue all the septic permits through the DEM. What we propose to do is learn from

the Cape, Rhode Island, and Maryland. They have already sent us warranty information, installer criteria, and ATS maintenance contracts. Installers will have to be registered with the CT Area Health District and show that they are trained and licensed.

Q: What is going to happen 5-7 years from now when the State is done and the town forgets about us?

A: That is one of the DEP's concerns. All of the criteria for the installers and designers has to be approved by the DEP and the DPH. We're in final negotiations on the program. The DEP is insisting that the town continue to fund the WPCA and its administration of the program. It is either this or the big pipe.

Q: What are these other towns doing?

A: They're waiting to see if we're successful and then they'll adopt it and use parts of it just like we're doing with other successful programs from other jurisdictions. They have been extremely helpful.

Q: If it works for us; it's going to be implemented in other places?

A: Yes. There are only 6 shoreline towns that are not sewered. This program also has applications for inland communities with summer cottages on lakes. They have nitrogen and phosphorus problems.

Q: Where does it go now?

A: Into the groundwater, where it has for the last 50 – 60 years.

Q: What happens if there is a problem with the AT system and the homeowner is not around?

A: You'll have a maintenance contract and when the phone call comes in the WPCA or the homeowner contacts the maintenance company.

Q: Who pays for the monitoring and maintenance?

A: The maintenance is the \$600-800 a year paid by the homeowner. The Town pays for the monitoring line.

Q: On per capita basis what would it cost for every house in Chalker Beach to hook up to a sewer plant?

A: About \$15 - \$18,000.

Q: Every city for 200 years has had sewer systems and we're playing with these Mickey Mouse systems...

A: And every one of those plants has had trouble at one time or another. What happens if one septic system fails? Do you close the beach? I don't think so. If a sewage treatment plant burps...

Comment: they will fix it very quickly.

A: You have several properties that are code compliant and many close to it, but they will hook up to the sewer line. And you will pay that amount of money.

Q: I am listed as a blue area. We have high groundwater. I accept what will have to be done, but in looking at the map there are wetlands going through my property. When

this was established was there a certain distance you had to be from the creek? My septic system is as close to the creek as my neighbors, whose lot is yellow. What is the longevity of the system? Will we be able to put the unit in the wetlands?

A: You may have to do a raised bed. This system is less expensive because it is a circulating sand filter. There is a pump and piping. You would have to replace the pipe. The maintenance person would rake the sand to make sure it is not clogging and look at the sprinkler heads. They are 6 feet wide and 20 feet long, about the size of a parking area and some of these can be installed underneath a driveway. We will have to encroach in the setback areas and could conceivably in the wetlands.

Q: A system may be closer to the creek than a property that is considered waterfront.

A: We had many discussions with DEP on the designations. We were able to change them on some lots. One of the proposals was if you were within 100 feet of a wetland area you had to have an AT system, within 200 feet would require a higher standard than what we have now. These wetland flags are based on the boundaries back in the 70's from aerial flyovers.

Q: It appears that the actual property has to be up against a creek or the Long Island Sound.

A: Yes. We used Live Maps and Google Earth to view the proximity to water and negotiated with DEP on the designations.

Q: Why did the maps change?

A: Brown last year meant a different thing. The map changed because it was based on Pump out tickets in 2003. These maps should be much more accurate.

Q: There's a total change in the designation. Why did you even post them? Why did you go ahead?

A: Because that was the best information we had at the time. Because we got a letter from the DEP on April 15, 2008 that told us to move forward or put in the big pipe.

Q: So what happens between now and when it is put in place? What if you guys decide something different?

A: No. These are the final maps. If you have more information on your property please come forward and we will correct the maps. When it comes time to work on your property, we will show you what we think is on your property and what we believe needs to be done to the system. We will discuss the repair with you, what part of your property you want to use...

Q: What happens if you can't fit those systems in?

A: We'll probably turn them into a small community system and use a road ending.

Q: My concern is what is the DEP is going to say when we can't come up with solutions for those lots?

A: We already discussed them with DEP and said we would find common ground and put in a community system with whatever land is available.

Q: I thought about how this got started, someone in Hartford decided to increase the density and put in sewers. This is not going to be totally rectified.

A: The DEP has said if we implement this program that will satisfy the court order.

There was a discussion about density encouraged by the state versus control by local Zoning.

Q: There is more impact from sewers up the river than the beach communities. We're being bullied.

A: We looked at many options including a community system for Chalker Beach and asked where would we put the leachate? Where would we put the system without discharging into the Sound or the River? We looked at Saybrook Manor. We looked at properties throughout the Town to put the leachate. We looked at putting it underneath the roads and how practical that would be. If there is a stone we haven't turned over, I would like to see it and turn it over.

Q: What about the cattle bathing, where do they flush?

A: Most agricultural pursuits are exempt.

Q: How do you determine what is going to be done on small lots?

A: We'll come down and discuss your lot and neighbors can be encouraged to develop something together.

Q: When are you going to start and who are you going to start with?

A: Saybrook Acres, next Spring. Chalker Beach is the 4th group. It is a 7-year build out.

Q: Is the system maintenance tax deductible?

A: I don't see how they would be.

Q: If 100 of us go out and buy septic tanks we would get a break. Are those costs with a break?

A: Yes. The Town will prepare a sketch of what needs to be done on your property. At that time they will accept a bid on 8 or 10 lots that need the same work. We will talk to septic tank, fill, and components vendors and negotiate the best prices.

Q: What is the longevity of the system?

A: It depends on the complexity of the system. A recirculating sand filter just needs pump maintenance. Some of the more complex systems have filters and pumps, but maintaining them properly should ensure they last 15-20 years. When we go through the AT selection that is one of the criteria we will be looking at as well as the overall cost.

Q: If you raise the leaching system to get the distance between the system and the groundwater you would have to raise the tank too?

A: It depends. Some of these units are different heights. We would replace the tall drywells with a shallower component. If it's too high you would have to raise everything.

There was a discussion about raising the height of the entire system, advanced treatment systems, and clustering several leaching systems.

Q: How are you going to determine which contractors you can use?

A: If you go through the program; you must be qualified. In order for the Town to get the Clean Water Funds the installer must be licensed and certified. The municipality has to administer the contract.

Q: If the ATS lasts 10 or 20 years who is responsible for replacing it.

A: The homeowner.

Q: It's very easy to say you'll have to bring in dirt. It's a very expensive deal.

Q: Could the entire town get sewerred or just the 15 areas?

A: All the Clean Water money comes through the State to the municipality. In order to be eligible for the CWF you have to show the solution and that this is the most economically viable solution. The other areas not in the district cannot be sewerred under this program, unless the Town commissioned a whole new study. A: Or the Town could pursue it without any financing from the state.

Q: My system is under the driveway. Does that mean my driveway has to be dug up?

A: If there is another place to put it on the lot, the one under the driveway can be filled in.

Q: When will there be a town meeting and vote? How much will it cost?

A: The Town meeting will be held on July 29th. The referendum will be on August 11th. The cost of the onsite systems is 40 million dollars, with 25% coming from the Clean Water Fund and 50% from the homeowners, the cost to the Town will be \$10 million. There was a meeting with the Board of Finance the other night. This would mean a ½ a mill increase for the whole town. A sewer system (\$71 million) is estimated to be about 2 mills on the tax rate. One way or another we have to do something. The letter (DEP) last Spring made it clear.

Q: What is the actual language on the referendum?

A: Resolution that the town adopt a wastewater management district ordinance proposed by the WPCA. There are 2 questions. The other is on the bonding issue.

Q: Will that be available?

A: Yes. That will be available shortly. It has to be posted and noticed in the paper.

Q: There was a grant available for shovel ready projects.

A: We are not eligible; we are not shovel ready.

Q: Back in the '90's there was a million dollars put aside...

A: We put \$100,000 into the sewer avoidance fund every year from that money. That is how we're operating right now, from that 2 million dollars and the Clean Water Fund grants. Because we're in the study phase we are entitled to a 55% reimbursement. So 55% of all the money we are paying the consultants (lawyers and engineers) are reimbursed. When we go into the design phase it will be 25%. Because of Robbie's review and submission of invoices we will be getting back \$309,000 back from the DEP.

Q: A couple of years ago we went to meet with Attorney Blumenthal. He said it was up to the First Selectman to go back to court. That is why we had a demonstration on the green, "Vacate the Mandate". So you should ask for that letter. The mediated agreement says it will deal with areas; A, B, C and commercial.

A: At the public hearing the DEP said that the commercial areas are not included in the program. They were included if the sewer system is implemented, it would pick up the commercial areas. We have spoken to Michael Pace a number of times about it, and Attorney Blumenthal says the town is obligated to comply with the Stipulated Judgment. There is no appeal.

Q: You should ask why there aren't any new sewers. The Federal government has said there cannot be any more sewers into Long Island Sound and there is not enough flow in the CT River. So all this threat about a sewer doesn't make any sense.

A: The state of CT is a signatory along with NY State that there cannot be a discharge into the Long Island Sound. That is correct; however the CT River is listed as a Class B waterbody. A Class B waterbody, because of its size and flow, is suitable for discharge from a sewage treatment plant. It has a dilution capacity to accept a plant. We argued this with the DEP; you can't discharge into the LIS but you can discharge into the River.

Q: We're here for only 2 ½ months, will pay the cost, and the taxes, and yet we can't winterize.

A: Old Lyme right now – Point of Woods is being sewerred. If you want to see a mess, go over there. Your choice here is we dig up your yard and put in a septic system or we dig up your yard and the streets and we put in a sewer system.

Q: It's not fair that we have to replace our systems when they're working.

A: DEP says they are not working.

Continued discussion on winterization.

Q: Those costs are based on today.

A: Yes. But we have an agreement that as long as the DEP continues to fund the program we'll continue to implement it.

Q: Why are we discriminated against? I'm sure the businesses are polluting. Why don't they have to do anything?

A: They are not proximate to the water, they are pretty well inland. They were included because in the first studies they anticipated a sewer which would have picked up the commercial properties. That's why the commercial districts were included in the initial studies.

Q: What happens if the vote isn't passed?

A: According to the Commissioner's letter if we don't comply with the orders and implement the decentralized plan they may have no other recourse but to enforce their standard solution which is the sewer alternative.

Q: You don't have the answers to everything; so why are you having a vote on August 11th?

A: We got a lot of input about the summer residents' participation. So in the Fall we looked at when we could have the referendum. We couldn't wait until next year because of the Commissioner's letter. So we decided to shoot for August 2009. So we worked backwards from there to develop the timeline. We had to update the maps, finalize the Wastewater District Ordinance, the Upgrade Standards, and the permitting of AT

systems delegation from the DEP. We had all of this that had to be done. It would be great if we had a few more months, but if we wait until October, most of the seasonal people won't be here. Since most of the impact will be on seasonal people we had to do it in August and put together the best information we could. That's why we're here.

Q: Why is that the amount for each house?

A: The state has a formula called benefit assessment, for large projects where they set the limit on the amount that can be assessed. Typically for a sewer project it is about \$15 – 18,000. If you took the cost of the sewer plant and divided it by the number of households and commercial areas the amount would be \$32,000 - \$35,000. However the actual assessment to the property owner is limited to \$15- \$18,000. The rest goes on the taxbase.

Q: Who took Gina McCarthy's place?

A: Amey Marella. She has a litigation background.

Q: Is the CWF guaranteed?

A: The state has set aside 2-years.

Q: Is Fenwick exempt from this?

A: Fenwick is its own municipality; they were never included.

There was a discussion about gravity systems.

Q: There will be a bond for \$40 million. If the town is only responsible for \$10 million why should we be bonding \$40 million? Why are the people in Knollwood not included? Where does Michael Pace live?

A: On Old Boston Post Road. But Pavel, George, Doris, Nelson, and John all live in the District.

Q: What does yellow mean?

A: You may need a new tank and/or leaching. If you're not sure come to the office and see me.

The meeting ended at 9:30 PM.

Respectfully Submitted,
Old Saybrook Water Pollution Control Authority

Robbie A. Marshall

WPCA Recording Clerk