

**DRAFT
TOWN OF OLD SAYBROOK
WATER POLLUTION CONTROL AUTHORITY
302 MAIN STREET
OLD SAYBROOK, CT 06475-2369
Indiantown**

Wednesday, July 1, 2009

The Town of Old Saybrook Water Pollution Control Authority met on Wednesday, July 1, 2009, in the Old Saybrook Middle School at 60 Sheffield Street, Old Saybrook, CT. to conduct a Public Education Session on the Decentralized Wastewater Management District program for the neighborhood of Indiantown.

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 Indiantown.

Chairman Wilson discussed some comments that were made at previous public education sessions. He addressed the comment that the Town had 30 days to appeal to the court and did not do it. Chairman Wilson said it is not like a convict's situation where you have nothing to lose by appealing. In the Town's case it costs a lot of money; court costs and attorney costs. Instead it's a matter of cutting the losses and going forward.

There is documented pollution. The DEP said you have it and you must correct it. At the meetings this has been questioned; how scientific the evidence is and that there isn't and never will be any pollution. The DEP Commissioner has the authority by right of the legislature to say if you are polluting, or I perceive that you are polluting, you have to abate it.

Coordinator Lucas presented the Chalker Beach map and PowerPoint slides.

IV. Questions and Answers

Q: The Town has asked homeowners to maintain their septic systems what can be done to make the Town maintain the drainage systems.

A: The only suggestion is to contact the Board of Selectmen's office to have the Town crew pump them out.

Q: Each vendor records the condition and size of the tank; was all that data used in the maps?

A: Yes. In fact sometimes that's all the information we have is the pumpout ticket since the systems were installed in the 30's, 40's, 50's and 60's and nothing was recorded back then.

Q: Is the decision going to be made based on the testhole, if you're polluting or based on the size of the tank? What's the purpose of the testhole?

A: The determination was based on whatever records we have in Town Hall; the pumpout tickets, repair information, as well as the sample wells we had in the area gave us some history as to what the groundwater is. But no we did not try to track pollution on the individual lots.

Q: So if there are only 2 people who could not be polluting at all why do they have to upgrade their system?

A: If you dug a testhole, unless you did some testing of the soil and leachate you wouldn't really know how well that system is performing. The test could be done for a couple of hundred dollars. The question is what would you do with the results you get. What is an acceptable level of pollution? You could test it but there is not really a standard that you could apply to the results to determine whether or not there is adequate renovation of the leachate.

Q: Do all of the yellow properties have adequate separation from the leaching field to the groundwater?

A: No. Some do and some don't. The closer you get to the lower elevations the higher the groundwater; 12 – 18 inches. We are basing it on the experience, where we expect the groundwater to be and the testhole data.

Q: If you've recently upgraded your property and you're upgrade compliant is there any reimbursement from the Town?

A: No. The Clean Water Fund will not become available until after the ordinance passes.

Q: What do the blue properties need?

A: They are proximate to water and need advanced treatment systems.

Q: What if you tested it and it has no problem?

A: DEP says water proximate properties have to have advanced treatment.

Q: If it's only used 3 or 4 months a year with only 2 or 3 people how much pollution could you have? And the water table is 3 feet.

A: If the water table is at 3 feet, you're in pretty good shape.

Continued discussion on what needs to be done.

Q: So we don't have any choice.

A: You have a choice. The choice is you can vote for the Wastewater Management District and go with the onsite solution or the DEP can come down and say we're going to put the sewer in at \$18,000 per assessment.

Q: For some of us who are going to spend 20 – 25,000 dollars we'd be better off spending a little more and getting sewers in here.

A: That is your choice. There is a sewer maintenance fee you have to pay every year.

Q: How do you determine where the groundwater is?

A: We use historical data or because the lots are close together we can do a testhole on a middle lot and determine where the groundwater is there. So if it's 30 inches it will be the same on the rest of the lots. So we wouldn't have to do a testhole on every lot.

Q: Based on the groundwater could some of those yellows turn to blue?

A: Never say never, it's possible that some of them could. However there are systems in the Public Health Code that are very very shallow with high ratings. They could be installed and keep it from becoming a blue lot.

Q: Is that high or low tide?

A: We did sample wells and discovered that the groundwater only goes up 3 inches with the tide.

Q: You can have tides that wipe out entire lots. What happens to the ATS when the salt water comes in?

A: The equipment is either plastic or stainless steel because even without salt water the atmosphere inside the septic system is very corrosive.

Q: What is the life expectancy of these systems?

A: Some of these systems are basically an air pump or a recirculating pump. So part of the annual maintenance is to verify that the pump is operating well. Some of the systems have 10-15 year life cycles. That's part of our criteria. We're not interested in something that needs to be replaced in 10 or 15 years. We want something that's simple to maintain and lasts longer.

Q: What if you don't have enough room on your lot?

A: Some of the systems, if you have enough room to park a car, you have enough room for a leaching area. In a 6 x 20 area you can treat a 2 or 3 bedroom house.

Q: The Town and the Clean Water Fund are going to pay 25% each.

A: The contribution of the Town is going to be in services; the engineering, design, handling the funding. A contractor might say it's \$7500 to put the system in the ground. On top of that is another \$2500 for the engineering and design, so it's a \$10,000 system. The CWF will pay \$2500, which leaves a balance of \$5000.

Q: Do we have to pay the \$2500 back to the CWF?

A: No that's a grant. You're responsible for 50% of the system. Everyone is eligible for the grant and 2% loan, regardless of income, property, and assets. We do have a Small Cities Grant available, which is income restricted. For example \$49,000 for a 2-person household. If you qualify that is a 0% loan which is due when the property is sold or transferred.

Q: If the program was voted in and at some point a system went bad, would they fall under the program?

A: Yes. If you have a problem with your system and you're not scheduled until a following year, you can qualify for the grant and low interest loan.

Q: What if you're selling your house and the new owner wants the system replaced, could the grant be used?

A: Because it's identified as being in a focus area my guess would be that they would qualify, because it's going to have to be done in the future. That would be a reasonable decision.

Q: The Town did not challenge the science of the State. They had 30 days to do it and they didn't. The State said we are polluting but they did not produce scientifically significance evidence. On the other hand there are many learned people: Dr. Saunders, Dr. Powitz, Dr. Morton, even Steve Luckett said there is very little evidence that we are polluting the groundwater. It doesn't make any sense. I would like to see the evidence.

A: The bottom line is we went to the State Supreme Court twice and the court has given us an order. The appeal time has run out. As far as the evidence, the court said they had enough. We are under an order. It is like any fine that you appeal, all the way up to the Supreme Court. They say you have to pay the fine, there is no more appeal. We have exhausted all our appeals and the time has run out. If we fail to do it, the DEP can step in and say you had your chance, we gave you an opportunity to solve the problems on your own, you came up with the decentralized wastewater management plan, the town didn't accept it, therefore you are not obviously capable of handling your own solution. We will come in and put the pipe in for you and send you the bill.

Discussion on DEP's veracity and evidence. Discussion on vote.

Mr. Lucas: This is all history. The problem is we can't fight it anymore. We have an order. We have it in writing that if the Town approves the ordinance the Facilities Plan will satisfy the order. If we turn down this plan we surrender our right to choose to the DEP and they will determine what is done in Old Saybrook. They have the authority and the court's backing to tell us to put the big pipe in.

Discussion on the amount of power afforded to the WPCA via the legislature.

Mr. Lucas: If the town wanted to take over properties by eminent domain they would have to pay fair market value. Where is the Town going to come up with that kind of money to buy up all the beach houses?

Q: If Indiantown is not scheduled until 2012 can I upgrade before then?

A: Yes.

Q: Would the central system be reduced by 50% cost sharing?

A: No. Fuss & O'Neill has designed many municipal sewer systems, and that \$15-\$18,000 is not the actual cost of the connection. In order to protect the value of your property the State has a statute that provides a cap for the maximum amount a property can be assessed. If you divide the cost of a sewer plant by the number of households that would connect, it may come out to \$30,000 - \$35,000 a house. However the maximum that could be assessed would be about \$15,000-\$18,000. The balance of the money has to be absorbed by the rest of the taxpayers.

Q: So say the central system per homeowner is \$20,000. If you had to do an advanced treatment system and the cost was \$20,000 you would have to pay \$10,000. If you had to replace your tank and leaching for \$10,000, the most you would be looking at would be \$5000.

A: Yes. If you upgrade your leaching you're back on the pumpout plan, if you put in an ATS you have annual maintenance.

Q: I had a recent installation, and I have soil erosion all over the place, 10 feet of exposed septic pipe, problems with the retaining wall etc. It was considered a documented best practice with CRAHD. So with that kind of best practice, what could we expect in such an aggressive program with the same amount of personnel or will there be additional personnel?

A: CRAHD will not be designing the system. They will be approving it if it is a standard system repair. However we anticipate that the WPCA will come to the property, meet with the homeowner and discuss the repair and go through the options. Before any work is done we will get the buy-in from the homeowner. So you will know what is going to happen before any work can begin.

Q: So would you consider it best practice to receive the homeowner's okay before beginning?

A: Yes. That is what we intend to do. One of the requirements of the DEP is that we provide adequate staff. We can discuss your lot privately. I will be designing the systems, and had I designed that system you would have known about it before the work had begun.

Q: The WPCA has the authority to take property.

A: Yes under the statute 727 we have the authority to take property. We don't anticipate taking anyone's property.

Q: If we go through the upgrade can we winterize?

A: No. You still have the other requirements of the winterization ordinance; zoning, flood plan elevations, and building. You have to demonstrate you can fit a code compliant septic system on your lot under the Public Health Code. This does not automatically grant year-round status to seasonal properties.

Q: There are some old trees that need to be taken down. Does the town take them down?

A: I would imagine if they are a danger the Tree Warden would take them down.

Q: Are there files that summarize the source of information for the lots?

A: Yes. We have the information for each of the lots that I used to make the determination; whether it's pumpout tickets, repair information. Come down to the Building Office.

Q: What will the impact on the tax rate be?

A: The Board of Finance met with the Selectmen last week and they determined that the program would cost .46 or ½ a mill. The central system would cost over 2 mills.

Q: The 25% from the town is paid by the taxes?

A: Yes. That's the ½ a mill increase.

Q: Am I correct in understanding that regardless of what happened in the last 20 years that Old Saybrook is either going to get a sewer system or onsite individual wastewater treatment?

A: We are either going to get a wastewater management district or the DEP or is going to tell us what their solution is going to be. Doing nothing which is what we have been doing, is no longer an option. We have been told that in writing and in person.

Q: Can you clarify what specifically is going to be on the referendum?

A: The referendum wording should be set next Friday, but basically it will say, should the Town adopt a wastewater management district ordinance as proposed by the WPCA in the Facilities Plan? And the second question is whether the Town should adopt a bonding package to pay for the program. It's going to be two questions, it's not going to say, do you want a sewer or an onsite plan?

Q: The practical effect is going to be if we approve the ordinance for the wastewater management district then we get to keep our local control and individual septic tanks; we may have to get our septic tanks upgraded. If we turn it down we asking the DEP to put in a sewer system.

A: We asked the DEP if they would implement a sewer and they have not given us a definitive answer. They have quoted Gina McCarthy's letter that the DEP would most likely choose to enforce the installation of a conventional sewer system. That's the most they would commit to. I can't tell you definitely if this is voted down, that we get the pipe, but this afternoon we met with the Bureau Chief and she quoted that letter. It's easier for them, they do it all the time, it solves a lot of their problems. So they may opt for that.

There was a discussion on who could vote; Trusts, trustees, and LLC need to be clarified. If the tax bill comes to you, you can vote. But we will get clarification for that.

Q: Could some of the system be clustered?

A: There are some houses with high groundwater and small lots. We discussed this with the DEP and we may take 3-5 houses and combine them into a cluster system. We looked at cluster systems in the past. We also looked at a separate sewer system for Chalker Beach, Indiantown, and Saybrook Manor and areas for disposal of leachate. We looked at putting a sewer line along the Amtrak right-of-way, community systems, clusters. Is it the best plan? It's the best plan we could come up with. The others were not feasible for one reason or another.

Q: What if the DEP decides down the road that this is not adequate?

A: They wouldn't preclude different other things like phosphorus, however, this will satisfy the order. They have other projects waiting in the wings.

Q: Is Sea Lane included?

A: Just for our convenience we set the dividing line at Sea Lane. We will show the rest of the properties on the Saybrook Manor map next week.

Q: Why aren't the other areas on the water included?

A: The focus areas were developed in the 70's. The Borough of Fenwick is an independent municipality and was not included in the original studies. The original studies were created by the sanitarian and included areas in town that he thought were

problematic; the high number of septic system repairs in the 60's and 70's. That was based on the high groundwater, the density of the lots, and the frequency of repairs. At that time people only pumped when they had a problem.

Q: Why was part of Indiantown excluded?

A: The further north you go the greater the depth to groundwater. So in all of the beaches the northern areas are pretty much out of the program. Originally the program extended all the way up to Route 1. As time went by, we negotiated with the DEP and were able to shrink the boundaries to some extent. There were a lot of tough decisions; even up to recently with the water proximity lots we've had discussions with them. This is the best we could do.

The meeting ended at 9:15 PM.

Respectfully Submitted,
Old Saybrook Water Pollution Control Authority

Robbie A. Marshall
WPCA Recording Clerk