

**Town of Old Lyme Water Pollution Control Authority  
American Legion Room  
REGULAR MEETING  
Tuesday March 10, 2015**

Members present: Chairman Kurt Zemba, Vice Chair Richard Prendergast, Secretary Doug Wilkinson, Dimitri Tolchinski, Ernest Lorda, Frank Chan, Rob McCarthy, Andrea Lombard; Donna Bednar (arrived at 8:10pm)

Also present: Sanitarian John Sievec, Attorney Andrew Lord; Selectwoman Mary Jo Nosal; Board of Finance Alternate David Kelsey; Sandy Garvin, Lisa Clark, Fred Clark, Kimberly Drelich (The Day)

Chairman Kurt Zemba, Vice Chair Richard Prendergast, and Secretary Doug Wilkinson held a budget sub-committee meeting before the regularly scheduled meeting of the WPCA.

#### Call to Order

- Chairman Zemba called the meeting to order at 7:32 pm.

#### Approval of the Minutes – January 13, 2015 Meeting

- **Motion to approve by Doug Wilkinson, seconded by Ernest Lorda.**
- **Motion to approve, 7-0-1**
  - In favor: K. Zemba, R. Prendergast, D. Wilkinson, D. Tolchinski, E. Lorda, F. Chan, R. McCarthy.
  - Abstained: A. Lombard.

#### Correspondence

##### *Letter to the WPCA from the Municipal Beach Associations*

- Chairman Zemba read aloud a letter received regarding the Old Colony Beach, Miami Beach and Old Lyme Shores Associations Sewer Project. He also read his response. Both letters are attached as part of these minutes.

#### Chairman's Report

##### *Wastewater Management Project Proposal and Submitted Facilities Plan Status*

- Chairman Zemba reported that DEEP Denise Ruzicka phoned First Selectwoman Bonnie Reemsnyder on the afternoon of March 10 and indicated that the DEEP does not recognize the authority of the WPCA to withdraw its Facilities Plan and that the DEEP intends to proceed with the Plan. No additional work will be required. Further, the DEEP fully intends to align East Lyme and New London with the Old Lyme plan, and will order them if necessary. The DEEP will order Old Lyme to proceed if necessary.
- Chairman Zemba would like to invite DEEP officials to the April WPCA meeting and believes the WPCA should perform due diligence in anticipation of the bonding required to proceed with the Plan.
- Attorney Lord said the WPCA's letter withdrawing the Plan had its desired effect; i.e. it stopped the clock on additional costs from DEEP compliance requests.

- Members discussed possible next steps and suggesting evaluating the pros & cons of the Town or the three beach associations managing a centralized wastewater facility. Woodard & Curran's estimates costs are lower than Fuss & O'Neill's, so there may be a cost benefit to residents if the Town runs the facility. Members would like the DEEP to be straightforward about its intent so the WPCA can act responsibly and make appropriate decisions.
- The consensus was that any meetings or votes on bonding the wastewater project should be scheduled during the summer months so all residents are included, but there is no rush to accomplish this in calendar year 2015.
- The DEEP was copied on the letter from the beach associations and Chairman Zemba's response, so they have been updated. Additional communication with the DEEP from the WPCA is not necessary at this time.

*Update on Discussions with the Board of Selectmen and Board of Finance*

- Chairman Zemba said the Board of Selectmen and Finance would prefer that the WPCA keep the Wastewater project on hold and avoid incurring additional expense unless ordered by the DEEP. He asked Board of Finance alternate David Kelsey if this was an accurate characterization and Mr. Kelsey replied affirmatively.

### **Budget Discussion and Engineering**

*Vote on Proposed Budget and Changes to Accounting*

- A copy of the requested budget is attached.
- Chairman Zemba summarized the background of the Septage expense line in the WPCA budget. At one time, the State required the Town to have its own septic lagoons. A system was developed in order to encourage residents to comply with septic pumping recommendations. The situation is no longer financially favorable to the Town.
- Because the contract for the septic transfer station was signed by the First Selectwoman, the WPCA is not able to take any action. Chairman Zemba said the First Selectwoman is aware of the situation. **A motion to move the Septage expense authority to the Board of Selectmen was made by Dimitri Tolchinski and seconded by Ernest Lorda. Motion passed unanimously.**
- Chairman Zemba said the expense line shows over \$90,000 for Septage pumping paid to Wind River in the current fiscal year. Future Wind River invoices will be forwarded to the First Selectwoman for approval.
- Chairman Zemba said Stormwater compliance costs this fiscal year are \$13,379. Although Stormwater was added as a WPCA budget line item, the WPCA is not the authority that deals with it.
- Sanitarian John Sievec indicated that Stormwater would be monitored by the Health Department, working in conjunction with Public Works. He asked if there is a map showing the Town's catch basins and was told there is.

**A motion for the WPCA to continue monitoring Stormwater costs, but to move the authority for Stormwater compliance back to the Board of Selectmen, was made by Dimitri Tolchinski and seconded by Ernest Lorda. Motion passed unanimously.**

- Dimitri Tolchinski will contact Brian Curtis of Jacobson Engineering for an indication of the full scope of anticipated stormwater costs.
- More discussion of WPCA Budget by members

- Secretary Doug Wilkinson stated that 4 line items in the WPCA budget equal 90% of the total.
- Members agreed that anticipated WPCA expense is contingent on the DEEP's actions on the wastewater project.
- Chairman Zemba said the Boards of Finance and Selectmen have asked for an accounting of expenses in the current budget that are directly related to wastewater management. He and Secretary Wilkinson are working with engineer David Prickett to provide that information.
- Chairman Zemba stated it is the WPCA's intention to return funding related to wastewater management to the Town, and said the WPCA is on record that it will comply with legal orders from the DEEP.
- Chairman Zemba stated that the proposed budget for FY 2015-2016 is \$115,492 as outlined (see attachment #3).

**A motion to approve the proposed WPCA FY 2015-2016 Budget for the amount of \$115,492 as outlined by WPCA Chairman Kurt Zemba was made by Rich Prendergast, seconded by Dimitri Tolchinski.**

- Motion passed unanimously
- WPCA representatives will meet on Wednesday, March 11, with members of the Boards of Selectmen and Finance to discuss the WPCA budget
- Chairman Zemba asked for approval to pay the two most recent Legal Services invoices from Attorney Lord: \$2430 and \$1770.

**Motion made by Doug Wilkinson and seconded by Ernest Lorda to approve. Motion passed unanimously.**

- Chairman Zemba asked for approval to pay the two most recent Engineering Services invoices from David Prickett: \$797.50 and \$403.75.

**Motion made by Doug Wilkinson and seconded by Ernest Lorda to approve. Motion passed unanimously.**

- Chairman Zemba asked for approval to contract with David Prickett as the WPCA's consulting engineer. He said this would not preclude using the services of Nathan Jacobson for stormwater or other projects.

**Motion made by Dimitri Tolchinski and seconded by Ernest Lorda to contract David Prickett as the WPCA's consulting engineer. Motion passed unanimously.**

### **First Selectwoman's Comments**

First Selectwoman Reemsnyder was attending a Board of Finance meeting and not present

### **New Business**

#### *Sanitarian Report*

- Sanitarian John Sievec was Guilford's sanitarian for 30+ years. He described Guilford's experience with sewer avoidance along its shoreline, stating that development in Guilford was not as dense as in Old Lyme. He can see that sewers are the solution to pollution problems on our shoreline, and believe we can avoid sewers in the rest of the town.
- He spoke to the importance of continual testing of wells and groundwater for nitrates, bacteria, chlorides and saltwater intrusion to protect the general health of the community.
- He showed members a map illustrating Connecticut Water Company expansion plans through 2040, and will make the map available.

- Chairman Zemba reiterated that sewer avoidance is the primary goal unless there is no alternative.

### Old Business

- Dimitri Tolchinski believes there are septic problems in White Sand Beach that need to be addressed with new technologies or advanced septic systems. He does not believe White Sand beach should have been removed from the wastewater Facilities Plan. He would like to continue working to find a local solution for White Sand Beach.
- Chairman Zemba asked Vice Chairman Richard Prendergast to reach out to the White Sand Beach leadership and ask if there is interest in pursuing the topic with the WPCA.

### Public Comment

- Selectwoman Mary Jo Nosal suggested that while the wastewater project is on hold the WPCA move forward to establish their By Laws and work on redefining the policy of sewer avoidance. Chairman Zemba asked Attorney Lord for a cost estimate for By Law preparation, and said the WPCA will work with Sanitarian Sievic to determine areas of special concern for sewer avoidance.
- Sandy Garvin, Hawks Nest Beach, said she was pleased to learn about CT Water Company expansion plans as she believes public water availability will increase pollution controls.
- Chairman Zemba said the WPCA's goal is to protect our residents and our resources.

**Motion made by Secretary Wilkinson and seconded by Ernest Lorda to adjourn at 9:39pm.**

Catherine Frank, Chris Seery

3/12/15



**MIAMI BEACH ASSOCIATION**

P.O. Box 91 Old Lyme CT 06371  
www.miamibeachassociation.com



March 5, 2015

Kurt Zemba  
Chair  
Town of Old Lyme WPCA  
52 Lyme Street  
Old Lyme, CT 06371

**Re: Old Colony Beach Club, Miami Beach and Old Lyme Shores Beach Associations Sewer Project**

Dear Kurt:

It is encouraging that the Town of Old Lyme and the Old Lyme Water Pollution Control Association (OLWPCA) are recognizing the challenges of wastewater renovation in the shorefront communities. This letter serves as an update regarding our wastewater program, and a request for the OLWPCA and The Town of Old Lyme to join us in our project to clean up the Long Island Sound and preserve our Town's natural resources for posterity.

Old Colony Beach Club Association (OCBCA), Miami Beach Association (MBA) and Old Lyme Shores Beach Association (OLSBA) (hereinafter referred to as "The Associations") continue to be committed to the Connecticut Department of Energy and Environmental Protection (DEEP)-approved regional solution to convey wastewater from The Associations through East Lyme and Waterford's infrastructure and have it treated at New London's Piacente WWTP.

There are some key points we wanted to share with you and others via copy of this letter:

1. The Associations have the authority under Public Act legislation to move forward with this type of project.
2. Two of The Associations (OCBCA, OLSBA) are currently under Consent Order from the State of Connecticut DEEP to rectify an existing community pollution problem with a definitive timeline for construction of our wastewater infrastructure, and the third is expecting to enter into a Consent Order with the DEEP imminently.

3. We, as The Associations, have each created our own WPCAs with legal and binding authority to construct wastewater solutions. We are in the process of coordinating a regional WPCA to construct, operate and maintain public sewer infrastructure, which we would invite the Town to join at its discretion.
4. DEEP has approved the recommendations from The Associations respective Wastewater Facilities Plans, which we are in the process of deploying. We have already begun the design process, and are planning Association-wide enhancements including green infrastructure, roadway, storm drainage and public water (hydrants and year round drinking water) improvements are part of our projects.
5. The Associations' residents have overwhelmingly voted to bond the regional public sewerage solution to East Lyme as the most cost effective long term wastewater renovation alternative.
6. The Associations have received tacit approvals from the downstream communities and have correspondence between their attorneys and ours related to the wastewater conveyance and treatment intermunicipal agreements which we plan to finalize in the coming weeks. We intend to incorporate flexibility into those intermunicipal agreements to handle flows from the Town, if desired, in the future.
7. We have developed a Memorandum of Understanding between The Associations to have our communities partner in the negotiations with downstream municipalities and project costs for a shared force main beneath Route 156 and a centralized pump station. In the future, we are hopeful that the OLWPCA and Town will commit to share costs with us for design, construction and operation of the common force main along Route 156, the centralized pump station and other infrastructure improvements downstream.
8. The Associations plan to incorporate flexibility into the design for the Town's properties as defined in the Coastal Wastewater Management Plan latest revision December 2014 to connect to the public sewerage system, should the Town choose to move forward at some future time.
9. The DEEP, Old Lyme's First Selectwoman and OLWPCA are on the record assuring us in a public forum on many occasions that the Town and its WPCA would not impede The Associations' projects, and for that we are appreciative.

Kurt Zemba  
March 5, 2015  
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Thank you and we look forward to continued collaboration with you and the Town of Old Lyme throughout this process.

Frank Noe  
Chair,  
Old Colony Beach Club Association WPCA

James Zonavich  
Chair,  
Old Lyme Shores Beach  
Association WPCA

Scott Boulanger  
Chair,  
Miami Beach Association WPCA

c: Bonnie Reemsnyder, First Selectwoman, Old Lyme  
Mary Jo Nosal, Board of Selectman, Old Lyme  
Skip Sibley, Board of Selectman, Old Lyme  
Betsey Wingfield, Bureau Chief, Bureau of Water Protection & Land Re-Use, State of CTDEEP  
Denise Ruzicka, Director of Water Planning and Standards Division, State of CT DEEP  
Dennis Greci, Supervising Sanitary Engineer, Municipal Facilities Section - Bureau of Water Protection & Land Re-Use State of CTDEEP  
Carlos Esguerra, Sanitary Engineer, Municipal Facilities Section - Bureau of Water Protection & Land Re-Use State of CTDEEP  
Doug Whalen, President, Old Colony Beach Club Association  
Mike Girard, President, Miami Beach Association  
Paul Rowan, President, Old Lyme Shores Beach Association  
Kurt Mailman, Associate, Fuss & O'Neill Engineers



# TOWN OF OLD LYME

WATER POLLUTION CONTROL AUTHORITY

52 Lyme Street  
Old Lyme, CT 06371

March 9, 2015

Mr. Boulanger  
Chairman, Miami Beach Association WPCA  
Mr. Frank Noe  
Chairman, Old Colony Beach Club Association WPCA  
Mr. James Zanavich  
Chairman, Old Lyme Shores Beach Association WPCA

Gentlemen:

On behalf of the Town of Old Lyme's Water Pollution Control Authority, I thank you for your letter outlining the key points and plans your associations are collectively taking to address the wastewater management needs of your respective shoreline municipal associations.

The WPCA supports your efforts and pledges to work with your associations in any way we can. We will continue to collaborate with you on our progress with the two town beach areas, Hawks Nest and Soundview that are imminently pending inclusion into a wastewater management plan by an anticipated order from the DEEP. We expect not only the inclusion of these areas but also the coordination of those areas into a unified plan under the guidance of the DEEP. The design flexibility you referenced is key to a cost effective approach to this project.

We look forward to working with you and appreciate your support of our efforts to address shoreline wastewater management challenges as identified by the DEEP. The WPCA continues to stand ready to work with the First Selectwomen and your Beach Associations toward the successful completion of the project.

*Kurt J Zemba*

Kurt J Zemba  
Chairman,  
Old Lyme Water Pollution Control Authority

cc: Bonnie Reemsnyder, First Selectwoman, Old Lyme  
Denise Ruzicka, Director of Water Planning and Standards Division, State of CT DEEP  
Dennis Greci, Supervising Sanitary Engineer, Municipal State of CT DEEP  
Carlos Esguerra, Sanitary Engineer, State of CT DEEP  
OLWPCA



WPCA BUDGET

EXPENSES	Current Fiscal Year 2014-2015	FY 2014 - 2015 Actual	Current Year 2013-2014 Remaining	FY 2015 - 2016 Proposed	Comments
05-202-0220-0008-000 Advertising / Legal Notices	\$1,000.00	\$0.00	\$1,000.00	\$1,000.00	Pending Project Requests
05-202-0220-0003-000 WPCA Clerk	\$2,400.00	\$550.50	\$1,848.50	\$1,200.00	WPCA Clerk Attending Meetings \$75 x 16 Meetings
05-202-0220-0005-000 Supplies	\$600.00	\$1,575.53	-\$975.53	\$600.00	Supplies
05-202-0220-0006-000 Postage-Mailing Preparation	\$2,000.00	\$0.00	\$2,000.00	\$2,000.00	Information Sessions
05-202-0220-0007-000 Legal Counsel	\$15,000.00	\$17,942.00	-\$2,942.00	\$45,000.00	Actions Related to Wastewater Orders Project and Routine Legal.
05-202-0220-0010-000 Consultant / Testing/ Services	\$17,000.00	\$34,431.71	-\$17,431.71	\$12,000.00	Meetings Used to Be \$17,000
05-202-0220-0020-000 Storm Water Consultant	\$500.00		\$500.00	TRANSFERRED	Moving to Public Works
05-202-0220-0012-000 Printing	\$2,000.00	\$0.00	\$2,000.00	\$2,000.00	Information Materials
<b>05-202-0220-1001-000 WWM Consultant Project</b>	<b>\$14,000.00</b>	<b>\$5,201.25</b>	<b>\$8,798.75</b>	<b>\$25,000.00</b>	DEEP Compliance Requests and Preparation for Resubmitted Plan
05-202-0220-1002-000 WWM Wages	\$22,204.00	\$10,499.75	\$11,704.25	\$22,648.00	Estimated by D Prickett anticipating DEEP actions
05-202-0220-1003-000 WWM Taxes Employee Benefits	\$3,474.83	\$261.98	\$3,212.85	\$3,544.00	WPCA/Health Clerk
05-202-0220-0011-000 Town Contracted Services	\$0.00	\$0.00	\$0.00	\$0.00	Not Active as no WWM revenue
05-202-0220-2001-000 Transport & Septage Disposal				TRANSFERRED	Estimated Pumpout Payments Trend
05-202-0220-0025-000 Permitting	\$500.00	\$0.00	\$500.00	\$600.00	Permitting Fees
<b>Total Budget Expenses</b>	<b>\$80,678.83</b>	<b>\$70,462.72</b>	<b>\$10,216.11</b>	<b>\$115,492.00</b>	

Attachment #3

## BRIEF DESCRIPTION OF GUILFORD'S SEWER AVOIDANCE PROGRAM

The main objective of the Sewer Avoidance Program is to retain the use of individual sanitary septic systems, i.e., septic tank and leaching area for treatment of domestic waste water. Such a program successfully carried out, i.e., compliance with State Public Health Code, Department of Environmental Protection requirements, and Town ordinances can avoid the installation of a municipal sewerage system in Guilford costing \$70 to \$100 million. Such systems can provide excellent treatment for domestic waste and compatible industrial waste; however, many industrial purchases, when their flow becomes excessive, greatly reduce a large municipal sewage treatment plant's efficiency.

Recently both the State and Federal governments have taken the position that individual sanitary septic systems are more environmentally effective as well as cost effective for towns the size of Guilford and Madison.

In area's where code, etc., cannot be met and a problem not resolved, small alternative plants with a sewer system may be used. The program does not exclude industrial and commercial establishments provided that they treat their waste so they meet discharge requirements set by the State.

The program divides the Town into three (3) classifications:

(Based on suitability of land for sanitary septic systems) – See Map 1

**Designation I:** Areas in this classification generally have small lots, poor soil conditions, high ground water, etc., and are the most likely to require a small community treatment plant. Presently, there are six DI areas.

**Designation II:** These areas have some or all of the problems of DI but not to the same degree and in most cases remedial action is possible. Presently there are ten DII areas.

**Designation III:** This covers the remaining area of the Town where lots are much larger. Generally, there is sufficient land suitable for any needed repairs, expansion and entirely new septic systems.

The present day sewer avoidance program endeavors to cover the following sixteen (16) elements:

- E1 Maintain an adequate staff to do the necessary field and office work. "To assume and implement broad water pollution control responsibilities."
- E2 Review all septic system designs and construction for new, expanded, and repaired systems to ensure compatibility with the sewer avoidance program. While this element is basic in retaining the Sewer Avoidance Program, the review, approval, inspections, etc. under the Public Health Code are the responsibility of the Town Director of Health.

**BRIEF DESCRIPTION OF GUILFORD'S SEWER AVOIDANCE PROGRAM**

- E3 Septage pumping and disposal permits. A computerized program has been developed covering all Town sanitary systems and will help insure proper maintenance of sanitary systems and enforce the five-year pumpout ordinance.
- E4 Annual inspection of septic systems. All DI and DII areas must be done between March and June, generally the wettest time of the year. Systems in the DIII area should all be covered in a five-year period (also during the wettest period).
- E5 Ground water sampling and analysis of private wells in DI and DII areas not served by a public water supply. Some sampling and analysis is done in the DIII areas. (See Element 14).
- E6 Inland surface water sampling and analysis. This covers rivers, streams, lakes and ponds.
- E7 Commercial and industrial establishments. Approximately 155 were inspected annually. Must also provide information for the possible need for a National Pollutional Discharge Elimination System (NPDES) permit from the DEP. Will require some sampling and analysis for volatile organic compounds.
- E8 Coastal waters – Shellfish. This highly successful program is carried out with the Town Shellfish Commission and the State Bureau of Aquaculture Laboratory in Milford, CT.
- E9 Revision of the 1982 Operation and Maintenance of Individual Sanitary Systems pamphlet. Requires updating and additions that are critical to maintaining a viable sewer avoidance program. Mainly a public education pamphlet.
- E10 Small community sewerage systems. Prepare study and report on small treatment plants that are environmentally effective as well as cost effective for use when needed for DI areas.
- E11 Control of housing and area density. Requires full compliance with all relative elements of the State Public Health Code.\*
- E12 Pollution renovation. Strict enforcement of code requirements recently added to the State Public Health Code.\*
- E13 Remediation of polluted or contaminated wells. This is mainly a responsibility of the Town Director of Health. WPCA responsibility is to ensure all procedures are compatible with maintaining the Sewer Avoidance Program.

**BRIEF DESCRIPTION OF GUILFORD'S SEWER AVOIDANCE PROGRAM**

E14 Well sampling and analysis – by owners mainly in DIII areas. Private laboratories doing the analysis submit a copy to the Director of Health. This information is also used by the WPCA to provide an indication of ground water quality in all three DI, DII and DIII areas – but mainly in the DIII area. Information is included in E5.

E15 Marina inspections – Relative to boat waste.

E16 Storm drains -- Grease and oil containment.\*

Note:\* These three elements have been recently added to the Sewer Avoidance Program by the State and are in the development stage.