

C. May

ORLEANS, EASTHAM GROUNDWATER PROTECTION DISTRICT

BOARD OF MANAGERS MEETING

NOVEMBER 13, 2013

Board Present: John Kelly, Chairman, Orleans; Charles Sumner, Brewster; Martin McDonald, Eastham.

Others Present: Jay Burgess, Chief Operator; Cyndi Bachman, District Secretary; Dave Dunford, Orleans Selectman; Beverly Carney, Orleans Resident; Mary Ann Bragg, Reporter, Cape Cod Times.

1. Meeting called to order at 9:05 a.m..
2. **A motion was made by Martin McDonald to approve the Board of Managers Minutes dated October 16, 2013. This motion was seconded by Charles Sumner and unanimously approved and passed.**

3. **Citizen's Forum:**

- Beverly Carney gave a hand out to the Board for their review.

4. **Tri-Town Follow – Up Discussion:**

- John Kelly stated he received staff related costs put together by Jay and Cyndi including base salaries, accrued vacation and sick time, as well as years of service. He stated he will forward copies to both Charlie and Martin to review with your respective finance people regarding closing costs of the plant and share this information with your Selectmen so we can all be on the same page and budget for these costs. Also, the District staff has asked to speak to someone from Barnstable County Retirement to answer questions they have.
- Martin McDonald stated Mark Foley, Eastham's Deputy Fire Chief, is on The Barnstable County Retirement Board and would be able to come to the plant to answer any questions the staff may have.
- John Kelly asked Jay to set aside time during the day where the staff could meet with Mark Foley and have their questions answered.
- Jay stated Joe Martins will be our employee representative who will contact Mark and set up the meeting.

- John Kelly stated he has a meeting with his Board next month with town counsel as a follow up to the three Boards of Selectmens meeting. One of the things that the three Boards voted on was to extend the IMA. In order to operate we have to have an article in each of our town meetings. We are going to need some engineering monies next year to put together the next step.
- Charlie Summer stated that once Dave Withrow frames out the employee costs, we could get together for a group meeting with this Board and our respective finance people so we will all know the costs involved.
- John Kelly stated it would be great if all three towns agreed on what that number would be. Once the plant stops accepting flow, the cash flow stops and the bank account starts to drain. We need to identify what those closing costs are. Once we have the base number, we need to go back to Mark Zelinski and ask who is going to pay the pension costs. We have a special act of legislature to pay the health insurance part of it. He also stated since the three Boards voted to extend the IMA, and allows the plant to continue to operate through May 30 2015, town meetings have to authorize that extension beyond that date. Attorney Mike Ford was going to look at the legal question because the Town of Orleans still has to follow the charter of town meeting vote. If we have to go to town meeting we will be planning on that article.
- Martin McDonald asked is there a distinction between the IMA and the Groundwater Protection District?
- John Kelly stated the Groundwater Protection District is a legal entity that the special legislature act created initially to allow this plant to be an independent entity so it could be insured. The Groundwater Protection District is the legal name of the entity that owns the plant. The IMA is the agreement under which the plant operates.
- Martin McDonald stated if one ends does the other automatically end too?
- John Kelly stated, yes because the Groundwater Protection District only exists under the IMA. The special act of legislature that we got a couple of years ago extended the legal entity of the District to continue with the ongoing costs related to the District. Orleans did not want to be responsible for the insurance to operate this plant on this property. They wanted a legal entity to be insurable and that is why they created the Groundwater Protection District. He stated once the IMA terminates, the Groundwater Protection District no longer exists.

- Martin McDonald stated December 2016 is the end of the discharge permit. We could operate the plant right up until 2016, but stop accepting flow in September or October 2016. You don't have to start the decommissioning process until after there is no longer any discharge. Maybe we should think about extending the IMA until the middle of 2017 to allow for the decommissioning after there is no more flow.
- John Kelly stated Attorney Mike Ford believes we could operate right up until the end of December 2016. The town meeting votes on the demolition of the plant would be in May of 2016 and then you could word it in a way that the construction would start in the Fall.
- Charlie Sumner referred to Beverly Carney's hand out regarding appropriating monies to do repairs at the plant, and creating a Technical Advisory Committee to the Tri-Town Board of Managers. My only question or concern is that we could try to create a Technical Advisory Committee but what role would they have if the plant closes in 2016?
- John Kelly stated we did have a TAC Committee in the late 90's.
- Charlie Sumner stated we are now dealing with decommissioning the plant. The vote at that meeting was to extend the life of the plant and we might want to appropriate money to keep the plant running between now and then.
- John Kelly stated the previous Board of Managers made the decision not to have a TAC Committee anymore and to put the three Town Administrators on the Board of Managers.
- Jay stated the previous TAC Committee fulfilled their tasks at that time and were helping us with the upgrade, running the pilot testing, running the numbers and calculations, and were very helpful. After the upgrade was completed, they all had health issues and some have since passed away. They also put together a Finance Committee.
- Martin McDonald stated that this Board of Managers deals with the issues of running the plant and budgets. I don't know that we need a Technical Advisory Board. We do have decisions to make, and in a sense, the three Boards of Selectmen are the Advisory Board.
- John Kelly stated this Board does not have decision making authority and recommendations go to our three Boards of Selectmen for direction.
- Charlie Sumner stated that the last item on Beverly's list is to include an annual report on the plant in our town books.

- John Kelly stated when you look at the IMA, I don't think there is a whole lot of value of an annual report for a plant that is close to being closed.
- Jay stated he always handed out an annual report to the Board with the capital plan, then it got to we are closing the plant and this is what we need to operate until the end of the date. I haven't done a capital plan for this year because I am not sure what to include. Are we now not closing the plant until December 2016?
- John Kelly stated the three Boards voted to proceed with an extension of the termination of the IMA which expires on May 30 2015 and they extended that to December 2016. From an operating standpoint, we still have to keep the plant going.
- Jay stated that means two more years running an unfunded plant.
- John Kelly stated one of the things I will provide for both Eastham and Brewster is a copy of the 2005 Wright-Pierce Engineers Evaluation of the plant. For the record, it is not 2.5 million dollars to fix this plant because those are 2005 numbers.
- Jay stated he has had a number of visitors, including selectmen, here at the plant, as well David Deminikas who said he works for Orleans. I made sure that they knew that the effluent recirc doesn't work unless the town puts in sewers. Recently I have been working with the Chatham plant and they are starting to watch their plume disappear with the nitrates they are putting out.
- Charlie Sumner stated Brewster was interested in getting more life out of this plant. If we ran the plant a couple of years longer, it would be good for the employees. We may have to have the towns create a reserve if there is a plant malfunction. I wouldn't be opposed to going to Brewster town meeting with that.
- John Kelly stated originally we were to try and find some money in the District's operating budget. One of the one of the things we may want to do is to have someone take a look at the 2005 Wright-Pierce Engineers Evaluation and update some of those costs. It would be good to have a baseline cost.
- Martin McDonald stated there are two sets of numbers we need to look at. One is to refurbish the plant in order to operate for some time in the future. The other would be costs to operate the plant through 2016.

- John Kelly stated if we had someone like Stantec looking at the 2005 Wright-Pierce Engineers report and working with Jay, they could help us put together a short term plan of "have to dos" and look at what it would cost to extend beyond December 2016 with a five year permit. I am sure Stantec would be very interested in the work.
- Martin McDonald stated assume the plant closes in 2016, is it worthwhile maintaining some of the capabilities you have here?
- Jay stated the mission statement of Wind River Septic Service is to completely take over the septage pumping business on Cape Cod. They have the tankage to do that and are located all over New England. Before the septage plants were built on Cape Cod, every single town had a place to dump their own septage for \$5 in the lagoons, and they were open 24 hours a day, seven days a week. Now the lagoons have been closed, and the local septage plants are being taken away and making it so a big corporation can take the rest of the pumping business from the local haulers. That's the feeling that the haulers are getting right now.
- John Kelly stated DEP doesn't care where it goes as long as it is disposed of properly.
- Jay stated DEP has seemed to have stopped caring about septage on Cape Cod. I cannot believe the lack of interest from DEP. I use to have an inspection every year from DEP and haven't had one in five years. I asked Brian Dudley many times when is the State going to get involved and take an active approach in the septage problem down here and his answer to me is "I've been asking that same question to my bosses".
- John Kelly stated there is no ability to control flow and you can't regulate interstate commerce issues.
- Jay stated you have to remember these haulers get 2-5 miles per gallon on their diesel trucks. The further away they drive is an expense to them and more wear and tare on their trucks. If they get calls on a Friday afternoon from restaurants, they are just not going to get to them in time. What will happen is, you won't have a small septic truck pull up into your driveway, instead it will be a tanker truck. If it is a restaurant, the tanker would probably have to block off the parking lot. The other side of that is the current local haulers are the ones who will be in your driveway at 3:00 a.m. when your septic tank needs pumping out of your basement. The tanker guys could care less about that.
- Martin McDonald stated he understands what Jay is saying, but is not sure how to get a handle on it other than to make an assumption that it has to go off Cape.

- Jay stated, try and get a commitment from Taunton for 10 million gallons a year, you are not going to get it. Taunton has one filter press like ours; no biological treatment; no screening. They press the septage as it comes into the plant and it goes into a truck. The truck is not even a part of their plant, and it gets hauled away. The filtrate which gets treated biologically here, as well as at the Yarmouth and the other treatment plants on the Cape, goes right into the Taunton sewer system. They were bypassing the filter presses right into the sewer. They can only do so much and they are busy now, so I don't see where 10 million gallons will go. The Carver Plant is in and out of productivity all the time. That plant had serious flaws before it even it even opened. The busiest flow time is from May through September and try taking septage over the bridges during that time of year.
- John Kelly stated Harwich entered into an informal agreement with the Yarmouth Plant so DEP left them alone. The lower Cape towns, beyond Eastham got away with absolutely everything. They had no requirement to enter into an agreement with us and they never wanted to contribute any capital, but they took advantage of the facility here and skirted the issue of having to deal with it on their own.
- Jay stated the only reason Harwich has an agreement with Yarmouth is because Robert Our Septic Service is the biggest pumper in that region and for Yarmouth. Robert Our already has tankers on site and a transfer station and hauls off Cape now. When he can't bring it here on a Sunday or to any other plant, his trucks are heading to Fall River or Cranston. I will be discussing our annual winter sale with Yarmouth so that we don't steal each others flow.

5. Chief Operator Updates – Jay Burgess:

- **Process** – Nitrogen is at 20 mg/l; all other processes are running in the single digits.
- **Maintenance** – We pumped down the effluent dosing well and inspected and cleaned it. We installed new drainage pipe down at the UV building, and we started winterizing the recharge beds. We vactored out carbon on one of the carbon towers and replaced it with new carbon. We only took two feet out of a four foot. bed. It is working a lot better, but how long it will last, time will tell. I did save the carbon and put it back in the vessels that the new carbon came in. They are air tight and during the winter we are going to try to find a way to regenerate them and get more mileage out of it. This type of carbon is the top of the line carbon and it is supposed to be water regenerated.

- Yesterday I worked over at the Chatham Wastewater Plant with their Chief Operator, Mike Keller, who use to be my assistant here. I have been going over there periodically working on different things and something caught my eye the way they are doing their denitrification. As you know, when we got the upgrade, the State made us get two up-flow sand filters that we didn't really need. We have a three month maintenance cycle to run them periodically to make sure everything is working should the day come that we need them. Chatham is using basically the same type of sand filters as their denitrification units. I think that we can convert these to denitrification filters for less than \$1,000. If the surface area is there, by surface area I mean each piece of sand in that sand filter, which is about 6ft deep, has a certain amount of area that things can grow on it. The final effluent flows into these sand filters which is enriched with nitrogen. Right now it's at 20 mg/l that we would generally discharge into the ground and it would flow into Namskaket Marsh. If we were to add a carbon source to that, there is a 20% methanol solution, which gets the bacteria growing in these units and they adhere to the sand and starts stripping off nitrogen. If there is no objections, I would like to buy the pump that I need to pump the methanol and get us a small amount of methanol. We will check with the fire department first because methanol has a flammability factor and make sure we store it properly, and see if we can get any action out of those sand filters. Mike Giggey of Wright-Pierce Engineers, and I have talked in the past about converting them, but we didn't go into depth about how you do it. But after working over at the Chatham Plant, they are putting it in about 20 mg/l and getting 3mg/l per liter. We might get another three to five years and maybe one more permit extension to get by if we can demonstrate that we are lowering the nitrogen down to what other plants are required to do.
- John Kelly asked Jay to find out from Brian Dudley what the parameters we have to target for any new permit and let him know that the Board has authorized you to run this pilot study.
- Jay stated Alan and Fran McClennen came to the plant to discuss wastewater in general. Mike Deminikas came to the plant and said he works for the Town of Orleans.
- John Kelly stated Mike Deminikas gave the town a proposal to frame the items we want to ask for funding at town meeting. Mike is a professional engineer and we are looking to retain his services and I will be going to our Finance Committee for \$40,000 to retain him. Mike will be a regular contact with Jay.

- Jay stated he will be starting the Districts draft Budget and asked if he should do a regular budget as he has done in the past.
 - John Kelly recommended Jay create a draft budget like he has done in the past and the Board will review it at the January Board of Managers Meeting. He asked Jay to start identifying what he knows are the critical things that we are going to have to address to keep the plant going. I will get a proposal from Stantec for our next meeting.
 - Dave Dunford asked if the District could raise the discharge rate another penny or two?
 - Jay stated we are right where we need to be right now without losing flow from Yarmouth. We come close to meeting our permit limits in June, July August, and September. We will be having our annual sale in the winter and I will have that information for this Board at our next meeting. If we have a sale and Yarmouth does not, they are going to get hardly any flow. There is not that much flow in the winter but enough to keep both of us in business. In the summer we have a fairly captive audience from Orleans to Provincetown. You might be able to charge a penny more but it's always been the desire of the Board and myself to give the in District towns a better rate than the towns that have no vested interest in the facility. He also stated there are still haulers who have hostilities towards us and will not bring it here.
6. **A motion was made by John Kelly to authorize Jay to proceed with a pilot study for reuse of the sand filter for the purpose of denitrification. This motion was seconded by Martin McDonald and unanimously approved and passed.**
 7. The Board reviewed the District's bank balances.
 8. **A motion was made by Martin McDonald to approve Treasury Warrant No. 3 for payment. This motion was seconded by John Kelly and unanimously approved and passed.**
 9. **A motion was made by Martin McDonald to adjourn the meeting at 10:35 a.m.. This motion was seconded by John Kelly and unanimously approved and passed.**

Respectfully submitted,



Cyndi Bachman
District Secretary

To plan efficient re-use and management of these Namskatet facilities you must vote soon for

1. a Community reclamation fund recommendation by municipal appropriations and with service area fees and governmental incentives to fix old problems;
2. a Technical Advisory Committee by establishing a "charge" and recommending immediate appointments and actions; and
3. presentation for Spring publication of an Annual Report to District towns.

Thank you, Mr. Chairman.

Bev Carney, Orleans