

Westbrook Water Pollution Control Commission
Regular Meeting
Wednesday, July 28, 2010
7:30 p.m. - South Conference Room
Mulvey Municipal Building

1. Call to Order

Chairman Ozols called the Regular Meeting of the Westbrook Water Pollution Control Commission to order at 7:38 p.m. Present were Commission members Tony Cozza, Tom Nobile, Nat Wentworth and Marilyn Ozols, Chairman. Also present was Carol Lord, WPCC Technical Consultant and Maureen Crowley from AECOM.

2. DEP Preliminary Meeting – M. Ozols

3. AECOM Scope of Services/Proposal – M. Crowley, D. Setzko

Ms. Ozols recalled that they received a preliminary draft from AECOM, which she and Ms. Lord went over with Dennis Greci and Jen Perry from the State. Following that meeting, she stated that they sent some recommendations back to AECOM, which were reflected in the handouts this evening. She recommended going over the proposal part by part.

- Chapter 1 which discusses existing conditions in Westbrook was drafted in 2000 and will be included as historical information. Population projections will be updated based on more recent information and previous water records will be used to confirm wastewater flows.

Ms. Ozols reported that Mr. Greci suggested they didn't need to update those changes, rather they could stand on their own to represent what the case was ten years ago, and then they could add the chapters that they write now, which would represent what has happened in the interim. Ms. Crowley remarked that a few of the changes were significant, such as the existing conditions in Town, and it's good they don't have to update that. However, she noted that they would still want to update the population projections. Ms. Lord offered to get water records. Ms. Crowley replied that they probably wouldn't change significantly from what they were ten years ago, but she could get that information from the Connecticut Water Company to see if it's worth updating. Ms. Ozols recalled that she had asked Mr. Greci what the difference is between a facilities plan and an engineering report, and he indicated there is none; so she said she suggested that it sounds much better to the rest of the world if they're talking about an engineering report rather than a facilities plan because when people hear facilities plan, they automatically think they're building something. Also, she noted that engineering report is what is referred to in the statutes. Members agreed.

- Confirm Designation 1 areas that were previously defined the 2000 draft report. Update property information and discuss areas that will be DEP regulated areas. Meet with the DEP, WPCC to confirm the areas.

Ms. Ozols recalled that there were some interim different reports and she was not perfectly clear where they stood on this, but for the purpose of this study, she stated she thinks they're back to the whole area of the 1,800 properties that was discussed before. She stated that they do need to confirm that. Mr. Cozza requested an outline of Designation 1. Ms. Crowley referred to the packet and explained that they met with DEP and went over what they felt could be eliminated, and it ended up reducing the lots by about 12%. Ms. Ozols summarized that the Meetinghouse Lane, Coldspring Drive and Stonehedge areas were eliminated, as well as some lots in the northern part of West Beach, and about 70 larger lots that had suitable soils. Ms. Crowley sought clarification that they have to confirm the Designation 1 areas with DEP. Ms. Ozols clarified that she doesn't think they have to revisit taking those out, rather they have to revisit where they actually left off and whether there was some change to that in the last ten years. Ms. Lord wondered whether they confirmed the designation areas. Ms. Ozols suggested that they need to go with the designations that are in the Sewer Avoidance Plan.

- Complete a discussion of the "Interim Treatment Systems Report" in the Facility Plan. Add this report as an appendix with a summary paragraph in the body of the report.

Ms. Ozols reported that this was done after the Sewer Avoidance Plan, and so they would add this report as an appendix and then summarize it in the complete report. Ms. Ozols emphasized the importance of reflecting in the report that they did all the study. She stated that the bulk of the report would be a discussion of all the alternatives they went through and the different options that have surfaced along the way. Ms. Crowley stated that this would be Chapter 7, which would have to be updated with all the things that have occurred since 2000. Ms. Ozols suggested that it's important to add what this Commission projects the current cost of each of those things would be to the best of its knowledge, both in total and per property, for example. She stated that it's been so long since they've truly discussed the cost that she is hearing more and more people suggesting they just get sewers, forgetting what the bottom line is. Ms. Lord noted that the term "centralized" in #3 should actually be "decentralized". Ms. Lord recalled that Mr. Greci made the comment that the definition of decentralized systems is different in Connecticut than the definition in the EPA guidelines. She stated that she was stuck on that, particularly looking at the Plan of Conservation and Development, since Jason Vincent was stuck on the EPA guidelines. Ms. Ozols stated that she had had that conversation. Ms. Lord continued that she sent a note to Mr. Greci asking if there is someplace easy for people to get the definitions, and noted that currently, they are located in the statute, which she doesn't think is a good place to send somebody for a definition because it's really not clear.

- Complete chapter that reviews alternatives including the studies that were completed after 2000:
 - Centralized option going through Old Saybrook. This option is technically supportable but politically unpopular and therefore not feasible;
 - Centralized system in Westbrook. Discuss method to select sites, nursery site with groundwater reuse, lack of available sites for groundwater discharge.
 - Systems using Alternative Technology. Discuss community systems and definition of centralized systems in Connecticut. Review Interim Treatment Systems Study.

- Decentralized management. Discuss on-site (conventional) and alternative options;
- On-site wastewater management: Discuss the On-Site Wastewater Management Plan and Sewer Avoidance Ordinance; Discuss differences from Public Health Code;
- Alternatives related to 2009 draft DEP water regulations that allow wastewater effluent discharge to Class A rivers and streams.

Ms. Crowley noted that the last two bullet points in the report, Wastewater Management Plan and Sewer Avoidance Plan, were new since 2000, and she summarized those points. Ms. Ozols pointed out that this doesn't just relate to having a new place to direct discharge, rather it has to do with not needing the 21 day travel time, which is where that may be useful. Ms. Crowley asked whether Mr. Greci discussed the water quality of the discharge, and Ms. Ozols replied that they did not discuss that. She pointed out that that may allow for some other on-site clusters or even individual ones that wouldn't work otherwise. Mr. Cozza suggested that it's important to identify the quality of the water in the Menunketesuck River and the quality of the discharge water. Ms. Lord stated that at one point they were more concerned about flow levels, which was the case in the Hammonasset River where if it was low enough, they didn't want anything discharging into it. She stated that she doesn't know whether that's still part of the discussion. Mr. Cozza pointed out that what they're putting in is actually cleaner than what's there. Ms. Lord agreed, but pointed out that that was not necessarily the case fifteen years ago, which was what she meant when she said the plants would be better now. Mr. Wentworth suggested that the language in her report should be changed because as it was written it makes it sound like the water discharging into the river is not treated. Ms. Lord and Ms. Ozols agreed that the "effluent discharge" language needed to be softened. Ms. Lord wondered whether the regulation included wetlands associated with that stream, which neither Ms. Crowley nor Ms. Ozols could recall. Ms. Lord suggested raising that question because often wetlands are good places to direct discharge. Ms. Ozols pointed out that they don't want to add fresh water to salt water wetlands, which Ms. Lord understood. Ms. Crowley stated that the only regulation she copied talked about surface water discharge. Ms. Lord stated that that probably does not include wetlands.

- Complete Chapter with Recommended Plan.
 - This Chapter will discuss a combination of approaches to ultimately identify and determine what type of 'fix' will be needed for each study area. It will also review the schedule to implement and manage Wastewater Management Plan components as described in the Sewer Avoidance Plan.
 - Review Sewer Avoidance Plan components. Discuss review process of new or repaired septic systems in Town Hall, add flow chart to obtain Permit to Discharge; Discuss current procedure for pump outs (Carmody); reminder cards and pump out scheduling for homeowners; Review Sewer Avoidance Plan components including what has been done and what needs to be completed.

Moving on to #5 in the report, Ms. Ozols stated that she really wanted the wording in the beginning to say "which may include a combination of approaches", because she suspected that there is not one answer that is going to solve every lot in the area. Ms. Lord agreed. Ms.

Crowley stated that typically, this chapter talks about where the problems are; what lots cannot handle an onsite, conventional septic system, and then what is the recommended plan, whereas here they were talking about an approach to get to that point. Ms. Ozols replied that it's more than that because they know that a lot of the lots can't handle at least a code complying conventional system, but they are still going to argue that they can get something reasonable on those lots and it is good enough. She suggested that they need to make it clear that they may not meet all of the standards, but they will argue that functionally, what they've done for that lot is good enough that they don't need to spend many thousands of dollars to raise it to those standards. Ms. Lord stated that the big question is where to draw the line and at what point do they need to turn to alternative technology. Ms. Crowley drew the conclusion that this chapter would give those kinds of recommendations, which Ms. Ozols and Ms. Lord confirmed. She stated that Old Saybrook's facilities plan has "based on the best available information", which Mr. Greci wanted to see in Westbrook's plan, lot by lot for each of the designations. Ms. Lord pointed out that Old Saybrook had done a lot more study than Westbrook has, and so they still have numerous lots that need further investigation. Ms. Ozols stated that they were only at the stage of identifying an approach, and lots needing further investigation is part of the approach. Ms. Crowley pointed out that they have the 366 lots that were done on the walk-thru treatment study, which should be identified on GIS. Ms. Lord remarked that there are still a lot of unknowns on those. Off the topic, Ms. Lord asked why they would have lots that needed new tanks but not leaching, and asked Ms. Crowley if she can even envision a lot where they would need a new tank but not leaching. She pointed out that they almost don't even care about the size of the tank if the leaching is twice the size of what they need. Ms. Crowley conceded the point and agreed to think about it. Mr. Wentworth asked if empty, buildable lots were being investigated. Ms. Lord assumed they were not investigating those because at this point if you want to put anything on a vacant lot, you have to meet the Code. Ms. Ozols suggested that they would have to have this discussion with Mr. Greci because she didn't envision this chapter reaching that level. She suggested that they could revisit a discussion of decision points and what options may exist. For clarity, Mr. Cozza suggested putting the words "study area" after "Designation 1" in #2 where it says "each study area". Ms. Crowley agreed to make the change. Ms. Ozols commented that with regard to the first sentence that says "the fix for each study area", there is not necessarily going to be one fix for each study area. Ms. Crowley agreed to change that language to "a combination of approaches for each area".

- Update GIS mapping created in 2000 to be used for report figures using Applied Geographics GIS mapping.

Ms. Ozols commented that the GIS will be very easy; they just have to incorporate Ms. Crowley's data to their GIS.

- Fitzgerald & Halladay shall review the environmental impacts of the recommended plan and discuss findings in a Chapter on environmental impacts.

Ms. Lord asked what there is to do an environmental study on. Ms. Crowley suggested that she has general ones about what the potential impact might be if a certain type of system is installed. Ms. Ozols suggested that Fitzgerald and Halladay might be a good option because they already compiled some data and mapping when they did work for the Town's coastal management plan.

- Develop implementation schedule for selected plan.
- Develop financing plan for selected plan.
- Obtain WPCC and DEP comments on Draft Plan and incorporate comments.
- Conduct Final Public Hearing and an Environmental Impact hearing.
- Obtain public comments to be incorporated into the Facility Plan.

Ms. Crowley summarized that the last few items are typically what they see in a plan like this. They develop an implementation schedule to get the plan moving, in this case a lot would rely on the staffing available to get the plan going. She stated that they have to talk about the costs and how the plan would be financed, including some grants. She stated that as part of the final plan, a public hearing would need to be held as well as an environmental impact hearing. Ms. Ozols suggested that it needs to say that DEP would conduct an environmental impact hearing in the same meeting so that they can cover both things at the same time. Mr. Cozza asked what the timeline for the 12 items in the plan would be, and Ms. Crowley anticipated 6-9 months. Ms. Ozols pointed out that the clock was not starting yet because they were not ready yet. Mr. Cozza suggested that they should discuss costs. Ms. Crowley agreed and offered to go over that with Mr. Greci and come up with something. Ms. Ozols noted that those costs also have to be reviewed by Mr. Greci. Ms. Ozols stated that if Mr. Greci approves the proposal and the costs, they would be looking for the same DEP funding that they had for the beginning part of the plan, which she thought was 60/40. She stated that they still have about \$37,000 left in the special fund from when they were doing this before, so after this is approved by DEP for the funding, they would then take the total cost and request an appropriation from the Town for the difference between what they have and what they need, and this is several months out. Finally, Ms. Lord asked Ms. Crowley to send further information in .doc format so the WPCC computers can read them, which Ms. Crowley agreed to do. Ms. Crowley stated that she would make the recommended changes and forward them to Ms. Lord the next day. Members thanked Ms. Crowley for her presentation.

4. Sanitarian Position – Status Update

Ms. Ozols reported that there has been no change regarding this position.

5. Administrative Positions – Status Update

Ms. Ozols reported that the land use office has hired two new administrative positions, and they are both wonderful. She explained that Colleen works for Planning, Zoning and Wetlands, and Lisa for Building and Health, but they are both very willing to field questions for each other and know enough about the other position to cover reasonably well. Ms. Lord added that everyone is very pleased with their performance and they are very good at the counter. Ms. Ozols reported that Colleen came from the Clinton Building Department, and she has experience coordinating and working with health departments and septic systems, which allows her to answer the basic questions already. Ms. Lord added that Lisa has a background in construction, and so she is catching on very quickly and is not overwhelmed answering building and health department questions.

6. Sewer Avoidance Ordinance Enforcement – Update

Ms. Lord recalled a question she and Dick had, specifically, regarding the process if someone challenges their denial of a permit based on the ordinance and essentially whether they go to court to deal with it. Ms. Lord stated that it's a question of concern, and basically everybody who has written an ordinance has had the discussion with Bob Scully at the State Health Department, but she wanted to get it in writing to offer certainty to this Commission. She recalled that they had a good example that the definition of a bedroom was different in the ordinance and in the Public Health Code, and Dick was willing to reject the application, but he wondered if a person wanted to contest that decision, who they would contest it to. Ms. Lord reported that she learned from Bob Scully and Amanda Clark that they appeal to the State Health Department. She stated that as long as the State thinks the Commission's ordinance is valid and that the use of it was valid, they would defend them. She stated that she obtained that in writing for the Health Department.

Next, Ms. Lord summarized a report on the number of permits that were done in June, that she stated can now be done on a monthly basis. She noted that the report was done on the old system, and they would be upgrading to a new system. Related to this and getting all the types of permits separated out, Ms. Ozols remarked that Ms. Lord discovered that they weren't charging for many of them and there wasn't a permit application, which was what made it difficult to track them. She stated that new fees have been drafted and would go to a Town meeting on August 23rd.

7. Technical Consultant Report

Ms. Lord stated that since she moved and went on vacation over the past month, she did not have much to report. She stated that she has been spending some time with the new staff on permits and how to use them and track them, as well as some WPCC items. She stated that she has had several discussions with the sanitarian, who has been very good at asking questions and interpreting the ordinance. She stated that she has been doing some clerical work, and reviewed the draft scope of services and met with the DEP to discuss it. Finally, she stated that she had been reviewing the Plan of Conservation and Development that was up for discussion, and her goals for next month are to return to Carmody and spend some time working on structural stuff, like the names and addresses updated from the Assessor's file, among other things.

8. POCD Survey and Water Pollution Control Plan – M. Ozols

Ms. Ozols recommended discussing this at the next meeting since the copy in members' packets was not the corrected version, and so there could have been any number of mistakes in it. She briefly explained that it's important for this Commission to fold its plan into the Plan because it's a sewer service plan, which is loosely interpreted to be a sewer avoidance plan also, and in a lot of towns, the planning commission and the WPCC never talk to each other. She offered an example where the Plan of Conservation and Development would designate an area for industrial development, but the sewer service plan wouldn't show sewer service going to that area, and so because of the conflict, the State was refusing to provide funding because it's inconsistent.

Therefore, she stated that this Commission needs to be active participants to make sure the Plan of Conservation and Development reflects what this Commission wants it to reflect.

Next, Ms. Ozols commented that the upcoming Westbrook Events publication would contain an questionnaire, and item #22 is relative to this. She explained that she tried to provide factual information while not leading to support the question. Mr. Cozza was concerned that the WPCC might lose credibility with the public because it had previously stated in the Westbrook Events that it was going to send cards out, but it never did. Ms. Ozols replied that she was not worried about the cards and didn't think anybody was thinking about them. Ms. Lord stated that she didn't want to mess up the survey by putting an additional article in it, but that it might be nice to follow up in the next issue with a discussion of what the WPCC is doing now and what the Sewer Avoidance Plan is and says.

9. Invoices

Ms. Lord reported that she had no invoices, but she did have budget reports. She distributed copies of last year's budget and the proposed 2010-2011 budget. Ms. Ozols interjected that there were bills that were paid but needed to be approved. She summarized the bills left from the 2009-2010 fiscal year.

Upon a motion by Mr. Cozza, seconded by Mr. Nobile, it was unanimously voted that the Westbrook Water Pollution Control Authority approves the invoices for the 2009-2010 fiscal year as submitted.

Then, Ms. Ozols presented the first maintenance bill from the new fiscal year in the amount of \$299.

Upon a motion by Mr. Wentworth, seconded by Mr. Nobile, it was unanimously voted that the Westbrook Water Pollution Control Authority approves the bill presented for the 2010-2011 fiscal year as submitted.

Ms. Ozols commented that in the past, this Commission has authorized her to sign the Carmody bills when they come in and then bring them to the following meeting.

Upon a motion by Mr. Wentworth, seconded by Mr. Cozza, the Westbrook Water Pollution Control Authority unanimously voted to authorize Ms. Ozols to sign Carmody bills prior to presenting them at the meeting for the 2010-2011 fiscal year.

10. Minutes – May 28, 2010

Mr. Cozza commented that item 6 should just state that the minutes were approved as corrected, and it is not necessary to call out the corrections. Then, **upon a motion by Mr. Cozza, seconded by Mr. Nobile, it was unanimously voted that the Westbrook Water Pollution Control Authority approves the regular meeting minutes of May 28, 2010 as submitted.**

11. Correspondence

Ms. Lord asked whether anyone found anything wrong on the two sheets that went home. Ms. Ozols stated that the terms weren't right, but she had since done another update because there was a new request. She said she would e-mail it to her. Next, Ms. Lord asked whether people were available for the next meeting on August 25th, which members indicated they were.

12. Adjournment

Finally, with no further business before it, **upon a motion by Mr. Nobile, seconded by Ms. Collins, it was unanimously voted to adjourn the special meeting of the Westbrook Water Pollution Control Commission at approximately 8:45 p.m.**

Respectfully submitted,

Samile Keeler
Commission Clerk