MINUTES
TOWN OF TOLLAND, CONNECTICUT
WATER POLLUTION CONTROL AUTHORITY

WORKSHOP MEETING MINUTES OF JUNE 23, 2011

1. Call to Order

The meeting was called to order at 6:17 p.m. at the Hicks Memorial Municipal Center in the Community Room. Present were: John Konrad (Chair), Todd Rolland (Vice-Chair), Jim Williams (Secretary), Bob Maynard, and Matthew Rood. Others present: Jennifer Usher P.E (Town Engineer & Public Works Administrator), Jack Flynn (Town Council Liaison, Steve Werbner (Tolland Town Manager) and Ivonne Hall (D.E.P.). Not in attendance: Bruce Allen and Michael Longenbaker.

Mr. Rood was seated for Mr. Allen.

2. Phase II Wastewater Facilities Plan

Discussion of Final Draft with the Connecticut Department of Environmental Protection.

Mr. Konrad provided a general overview to Mr. Flynn. Mr. Konrad explained that the draft being discussed was originally submitted in February of 2011. The WPCA received an almost immediate response from the CT DEP. The draft was rejected and constructive solutions were presented for both Tier III and Tier IV areas. Mr. Konrad further noted that in order to go forward the WPCA would like more data to determine if indeed there is pollution and to set a benchmark.

Mr. Konrad explained that how this came to be began with a public hearing in 2009 where the public brought up discrepancies that were used in the matrix to determine the priority areas. Fuss & O'Neill agreed and changed the matrix. The criteria at the time was that those areas that scored 50% of the priority points that were assigned to the various facets in the matrix were going to be targeted for constructive solutions. Those were five areas. The redo showed that then there were two areas that were above the 50% mark and the plan needed to be revised. The WPCA did not feel there was sufficient data and to move forward with constructed solutions and would like to collect samples to provide additional information to determine not only if there is actual pollution at this time but also to set a benchmark so that the WPCA could monitor what happens over the next several years. Mr. Konrad noted that the Snip is still high quality water and the CT water company says there isn't a problem with the water. The point was to protect the water-shed and the water company does not have an issue with it. All of the waters in Tolland are rated at the highest level and hence there isn't a sign that there is a problem. The matrix has been developed using arbitrary information. They are conditions that exist. Ms. Usher noted that indeed the 50% is a subjective score; Fuss & O'Neill gave weights to the criteria and came up with it so it is an arbitrary rating. The items in the priority matrix include lots that are less than ¾ acre, lots within the aquifer protection area located in town, areas that are served by private or community wells, lots with slopes greater than 30 degrees, and lots in close proximity to existing public sewers. Tier I areas are-rated the best and Tier IV, the worst.

The discussion of the final draft with the CT Department of Environment Protection began with Ms. Hall inquiring about the WPCA's reasoning behind its recommendations for doing sampling in the Phase II plan. Mr. Rolland explained it was due to there not being any real evidence of pollution. Ms. Hall disagreed and explained that there had been walkovers, a lot of evidence of failing septic systems and that doing more sampling was not sufficient. If the group would like to do more sampling to find out why systems had failed in the past that it may do so but it would be immaterial. She noted that the plumes are very narrow and it would be very difficult to characterize them. If the WPCA wishes to do the sampling it would not receive an approvable document from the CT DEP. A more proactive approach needs to be taken, even one that is phased in over 20 years. Recommendations for constructive solutions were made and the matrices tweaked.

Mr. Konrad explained that the WPCA acknowledges that there have been difficulties in Tolland with the septic systems but it also recognizes that over the years, since the first notice came out, that a lot of things have changed. Greater regulations are in place, the water usage for the average family had dropped in part due to 1.6 gallon flush toilets, low flow faucets, low flow washing machines etc. and people are much more conscience of their water usage hence the amount of water going into the ground is much less. The old systems were repaired with the new systems which raised the biomat out of the ground water and is a very effective filter.

The objective is to control the potential for pollution. The WPCA recognizes its responsibility to avoid polluting the waters in the Town as well as its responsibility to the public that it serves to ensure the WPCA is doing the right thing to control the potential for pollution and believe there are other ways to control the potential for pollution. In order to go forward the WPCA needs data to satisfy itself as well as the public that there really is a problem and if there is that the potential for pollution can be monitored so it can go forward with a solid set of data. The sampling would begin in 1-2 years, after approval from the CT DEP.

Mr. Werbner confirmed with Ms. Hall that the proposed constructive solutions are not inexpensive and explained that it would be a lengthy process to determine how to get the funds to do what it required. This could take as long as the period of time that the WPCA is looking to gather additional data. If the data gathered proves there is an imminent problem that requires constructive solutions versus some lesser remedy to avoid potential pollution then the data being collected will provide the evidence needed. Hence why wouldn't the DEP allow a reasonable period to collect this data? Additionally it would allow the Town to work with its state legislators to look into funding possibilities. He also inquired as to if there would be a possibility of some agreement on potentially the outcome based on data and what if it may trigger other acceptable solutions.

Ms. Hall explained that even if the testing didn't provide any conclusive evidence that history shows that the constructive solutions actions need to be taken. Ms. Usher explained that historic studies used subjective criteria and giving it a weight and determining what needs constructive solutions doesn't provide an actual formula for what needs to be done.

Ms. Hall passed out the DEP Fact Sheet, Phase II Wastewater Facility Plan, Tolland, June 23,2011, reviewed the document and explained that something more proactive than sampling would have to be done. She explained that this was only information and that the WPCA would have the choice to do as it pleases. Mr. Konrad explained that that was not the intention.

Ms. Hall explained that if a septic system was failing that certain criteria would have to be met. Ms. Hall noted that one problem is that the Tier III & IV -areas may not be able to rebuild/replace a septic system to meet today's standards. Mr. Werbner inquired as to what would happen if a septic system failed tomorrow given that it would take years and a cost of $3-4M to run a sewer line. Ms. Usher explained that in that case the homeowner would work with Jody Schmidt, the town's sanitarian, to put in a system that comes as close as possible to meeting today's codes. Ms. Schmidt would add the variance(s) to the file.

Ms. Hall reviewed the table estimating the cost of addressing the Tier III/IV areas. Mr. Werbner explained that the Town needs to consider what is practical & going to the general public to convince them that the Town needs to spend $12M (the capital budget for 10 years) for 30-50 homes isn't practical. Ms. Hall suggested a STEAP grant but Mr. Werbner explained that the grant's tended to be $200K at best and hence would take over a decade to collect sufficient funds. Everyone needs to work together and a practical solution is needed.

Mr. Williams noted that there he hasn't seen data which would indicate a need for the constructive solution proposed by the DEP and noted that the Eastern Highlands Health District hadn't found any problems as well. Mr. Konrad reiterated that the intention is not to simply do sampling and nothing else. The WPCA is being very proactive with what it is doing with public education including educating people on what needs to be done for the systems and have discussed creating an outreach system. Septic technology has vastly improved since the historic studies that are being relied upon.

Ms. Hall explained that Jennifer Perry was looking at the proposed sampling program and commented that it was inadequate. She said it would need some upstream and downstream data points. Mr. Werbner explained that the Town needs to look at what is practical and affordable and if the state needs additional data gathering and tests that that would make sense including applying for STEAP grants for the next ten rounds.

A discussion of the need for the request for funding to go to referendum took place and Ms. Hall commented that it is the DEP's position that it is WPCA's obligation to push what is going to be the best solution for water pollution control. She noted that the document would not be approvable if left as is. The WPCA was not comfortable putting something in the document that it may not be able to act upon and further that it would be dishonest. Ms. Hall noted that this document is only a recommendation and that it does not say that the Town is

committed to a particular action. This just the engineer's opinion of what it believes to be the best solution. It is not committing the WPCA to anything. Ms. Usher explained that the document in good faith needs to have goals which the group can aim toward. Right now the money isn't there to focus on the goals laid out in the plan. In lieu of going to the solutions that are not feasible at this point the Town is looking to the DEP for some solutions that it can follow, put in the plan and have-available for future members of the WPCA and Town. Ms. Hall noted that it's the WPCA's responsibility to have the best information in the plan and that leaving out the constructive solutions was not doing so. She added that something to the effect of putting the constructive solution in the plan and saying if funding became available that this would be the gold standard, include some options in addition to doing more sampling and actively prepare the public. This would make it an approvable document.

Mr. Rood questioned that since the DEP wants a constructive solution, does it mean that if the WPCA went out and established a monitoring program that indicated there no pollution, the DEP still would not accept this as sufficient evidence that constructed solutions were not needed? Ms. Hall explained that this would not guarantee that the Town is out of the woods. A discussion of the value of doing the monitoring was then discussed. Ms. Hall noted many facets would need to be considered such as if the sampling will check for nitrates, the number of sampling points etc. and that this would be like looking for a needle in a haystack. She reiterated that the constructive solution must actively be pursued based on the DEP's experience. Data could look clean even if a septic tank is failing.

Discussion then took place as to whether an approval of the Phase II document would lift the consent order. Ms. Hall will check the wording as to whether a plan would lift the consent order or if its implementation would be required. When asked about who would do the approval process for the document Ms. Hall explained that she was the first step and then ultimately it would be Dennis Greci.

Mr. Konrad recommended that now that all the cards are on the table perhaps with the sub surface group a plan may be able to be designed which would include a monitoring program and words appropriate for the document. Ms. Hall noted that the plan is not that of the WPCA but that of the engineer. Mr. Konrad responded that once they put the WPCA's names on the report it became its report and in turn pressures the Town Council.

Mr. Werbner suggested coming up with a few plans and if one was not practical then the Town could move onto the next; however, Ms. Hall noted that he was assuming there is a feasible solution between $0 and $12M and there may not necessarily be one that exists. It would have to be discussed with Mr. Greci. Mr. Konrad noted that the group needs to be sure it is presenting a solution to a problem that really exists, not one that might arise years down the road. Mr. Williams brought up the question of whether if a sewer was put in if the homeowners would be required to hook into it and hence would it actually solve anything. Ms. Usher explained that at this time this WPCA has not mandated hook ups, but that the WPCA does reserve the right to mandate hook ups in if they so choose. If a septic system cannot be repaired and meet today's codes and there is a line in front of the property then the homeowner must hook up.

Mr. Konrad thanked all those in attendance and a date for a meeting with the sub surface group will be determined.

3. Adjournment

The workshop was adjourned at 8:22p.m..