

**WATER POLLUTION CONTROL AUTHORITY
Town of East Haddam**

**Special Meeting Minutes
April 13, 2016**

1. CALL TO ORDER:

Chairman Andrew Lord called the meeting to order at 7:00 p.m.

2. ATTENDANCE:

Present: Andrew Lord - Chairman, Ed Blaschik, Robert Casner, Richard Pettinelli

Absent: John Russell, Richard Fiala, Arthur Merrow

Others present: James Ventres, Land Use Administrator, Grant Weaver of The Water Planet Company, Jason Hoffman of The Water Planet Company and approximately 20 members of the public.

At this time Mr. Lord recommended that the order of business be changed to accommodate the public who were there to discuss the Banner Estates Development.

A motion was made by Mr. Casner and seconded by Mr. Blaschik to change the order of business. The motion carried by a unanimous vote.

4. DISCUSSION:

B) Banner Citizen Concerns:

Mr. Lord stated that this meeting was not really a public hearing but he would like to hear the citizen's concerns. He noted that the Water Pollution Control Authority (WPCA) was in charge of managing the sewer district in East Haddam. This was due to a State Department of Energy and Environmental Protection (DEEP) order to abate a pollution problem in Succor Brook. The WPCA supervised the design, construction, and maintenance of the sewer treatment plant and collection system. They also are responsible for the budget and bills for operation of the facility.

Banner Development is a community sewerage system over 5000 gallons per day. CT DEEP is responsible for the permit and discharge monitoring.

The WPCA is a backup for operation and maintenance if the owner doesn't. Money is in escrow to fix any operational issues. This money would be spent if ordered by DEEP as an enforcement action.

If there is a new development on the site the WPCA has a limited role since the facility is permitted by the DEEP.

Catherine O'Boyle of 12 Pinehurst Lane said that the residents suspect a problem with the septic system and want to know what the problems are. She noted a lack of cooperation from the developer and the management team.

The purpose of their attendance was to make the commission aware of the problems and to ensure proper measures are in place to fix any problems.

Ms. O'Boyle distributed a handout entitled "Banner Estates Residents Presentation Before East Haddam Water Pollution Control Authority April 5, 2016". She read into record the following statement: (each number indicates a slide number and all slides are duplicated "as-is" from the original documents).

- 1) **Purpose** – Make the Commission aware of the owner residents concerns with respect to the condition of the Septic System at Banner Estates.
- 2) **Our Understanding of the EHWPCA** – The East Haddam Website lists four functions of the East Haddam Water Pollution Control Authority. The Second Function is as follows: "The Second Function is to review septic systems for large facilities that produce flows of over 5,000 gallons per day. It is the Authority's charge to ensure proper measures are in place for the continued proper operation and maintenance of these facilities."

3) **DEEP Permit History/Background**

- **Permit History**

- First UIC Permit granted April 28, 2004 for 7,850 gallons per day average flow, 11,775 gallons per day maximum flow.
- UIC Permit modified April 14, 2009 for additional flow of 3,750 gallons per day average flow, 5,625 gallons per day maximum flow of 11,600 gallons per day, Total maximum flow of 17,400 gallons per day.
- New GSS Permit granted May 15, 2014 for 11,600 gallons per day average flow, 17,400 gallons per day maximum flow from System A, B and C.

- **Compliance with Permit Requirements**

- Each Permit contains Tables A, B and C which clearly specify the Inspection, Monitoring and Maintenance Requirements of the Septic System.
 - Both the DEEP Records and the Chatham Health District records show that most of these requirements have been **grossly neglected**.

Maintenance and inspection of the large septic system has been and is very insufficient. Septic system clearly does not meet the requirements of the State (DEEP) Permits. The operating performance of the septic system may already be degraded.

4) **Evidence of the Neglect**

- Two Groups of evidence support the history of neglect:
 1. Documentation:
 - There is very little documentation of compliance with the Permit requirements.
 2. Physical Condition of the System:
 - The observed physical condition of the system which I will discuss in detail in slide 10 (Review of Physical Evidence of Neglect).
- A third Group of evidence may be showing evidence of system deterioration as well.

- Groundwater Monitoring data.

5) Examples of Neglect

- Tables A and B require a number of items to be accomplished and recorded.
 - **One of these items is that the Septic Tank is to be pumped-out annually.**
 - The permit states “The Permittee shall notify the Chatham Health District Sanitarian at least one week prior to the pumping of any septic tank or grease trap. Verification of pump outs shall be attached to the monitoring report and a copy of the report shall be sent to the Chatham Health District, Director of Health.”
 - **Actual experience:**
 - In the 12 years of operation of the Banner Septic System:
 - There is no record of the Town Sanitarian being notified of any pump-outs.
 - Nor does the Town Sanitarian have any record of verification of pump-outs.
 - More astounding is that the DEEP also no record of pump-outs.
 - It appears that the Septic Tank has never been pumped-out in the 12 years of operation.
 - This is a clear violation of the DEEP Permit.

6) Examples of the Neglect

- Another one of the items in Tables A and B requires that the Leaching Field be mowed 3 times per year.
 - By the current growth of brush and trees on the Leaching Field it appears that the it has **not been mowed** in the last 8 years or more.
- Another note in the permit states “All inspection, monitoring and maintenance required in this table shall be reported at least annually by the end of January as an attachment to the December DMR (Discharge Monitoring Report).”
 - The DEEP **has only three such reports** covering the last 12 years.
 - These reports covered the years 2006, 2007 and the First Quarter of 2008.

7) Potential Examples of the Neglect

- Table C requires Groundwater Monitoring quarterly every year at 3 locations downhill from the leaching field.
 - These Groundwater Monitoring Reports are filed with the DEEP and hardcopies shall be submitted concurrently to the local health department.
 - The DEEP has GMR’s for the years 2006 through 2015.
 - The Town Sanitarian has **none**.
 - These GMR’s show a significant increase in Nitrogen Levels particularly in the last few years.
 - The average levels from a data sample as follows:
2006 through 2008 > 1 to 2 mg/l, 2011 > 3 mg/l 2014 > 17 mg/l, 2015 > 21 mg/l
 - This data needs more analysis for root cause of the increase.

- **The data could be an indicator of Septic System deterioration.**

8) Review of Physical Evidence of Neglect

- Condition of the Leaching Field:
 - Top surface Growing trees and large bushes, ponding, heavy equipment, old construction materials, discarded propane tanks, only mowed a narrow swath through the middle
 - Soil Depth Unknown but probably thin, large sink holes at multiple locations
 - Access Locations Manholes heavily rusted and covered with dirt and thatch, concrete shoulders broken and separated.
 - Condition of the Septic Tank:
 - Access Covers Heavily rusted and covered with dirt, moss and thatch
 - Baffles Unknown due to complete lack of inspection and Record
 - Condition of the Pump House:
 - Pump House Deteriorated with wood rot, condition of roof, peeling paint, exposed wiring, erosion of soil surrounding pump house, invasive overgrowth; overgrowth removed recently (2016) due to septic odor complaint to Chatham Health District.
 - Pump Chamber Roof Rotted and caved-in, pump components left open to the weather; new Pump Chamber Roof cover installed recently (2016) due to septic odor compliant to Chatham Health District
 - Pumps Failure and replacement (2013)
 - Condition of the Emergency Alarm:
 - Alarm Believed to be disconnected
- Operating performance of the septic system may already be degraded**

9) Review of Items in Permit Tables A and B

Inspection, Monitoring and Maintenance	Minimum Frequency	Actual Experience
Depth of Sludge in septic tank	During Pump-out	No Record
Pump-out of septic tanks	Annually	No Record
Mech inspection of tank and baffles	During Pump-out	No Record
Mech inspection of tank effluent filters	During Pump-out	No Record
Clean septic tank effluent filters	During Pump-out	No Record
Pump-out pump chamber	Annually	2006, 2007 only
Test Run of Emergency Generator	Quarterly	No Generator
Water meter readings of water usage	Quarterly	No Record
Visual Insp of distribution chambers	Quarterly	No Record
Visual Insp of surface condition of leach fields	Quarterly	2006, 2007 only
Depth of Ponding in leaching fields	Quarterly	2006, 2007 only
Mow grass over leaching fields	3 times per year	2006, 2007 only

10) Residents Additional Concerns

- Quality of Life
 - Affects health and safety of residents
 - Impacts financial health and stability of the residents
- Financial Impacts to the residents
 - Cost to rehabilitate to acceptable standards
 - Who bears the cost
- Septic system for Banner Banquet Hall and Banner Total Fitness (same building) and Golf Pro-shop and Restaurant (same building) facilities
 - Are both facilities tied into the residential unit's septic system?
 - The DEEP Permit is issued only to Banner Realty Development LLC, the residential complex. Are there separate permits for the other facilities?

11) What do we want to see?

1. Third-party independent evaluation of the septic system performed by a qualified "Sanitation Engineer".
2. Remediation of current issues and non-compliant deficiencies so the system meets all required mandates for the Banner Estates footprint and any future development plans.
3. On-going routine maintenance, oversight and enforcement in accordance with the East Haddam Water Pollution Authority and State of Connecticut DEEP regulations so we the residents feel comfortable our investment in the community is being satisfied and not squandered.
4. Clear understanding of the roles, responsibilities and financial obligations of all parties involved – developer, Town of East Haddam and State of Connecticut. **The owners already fulfill their financial obligation by paying a monthly homeowner association fee.**
5. Written notification to residents that current issues and non-compliant deficiencies have been resolved.

In closing Ms. O'Boyle stated that actions need to be taken. On a personal note, her immune system is at risk and failing system could potentially lead to health problems.

Mr. Lord noted that as an environmental attorney he has worked with the DEEP and the DPH and is aware how these agencies work. He stated that last week he and Mr. Ventres walked the site with the developer's engineer. The WPCA has not been aware of the conditions until recently and the WPCA is on the problem. He said that no notice was ever sent and that the WPCA is the last level of protection. In that meeting, the developer's engineer was instructed to remove the debris and clear the field of all vegetation.

Charlene Riling of 12 Pinehurst Lane stated the total management of the facility is a problem. The pump house was in shambles and the new property management person does nothing with the residential side of the development. Corrective actions need to occur.

It was noted that odors are present throughout the facility at different times of the day.

Sharyn Maclelland of 9 Pinehurst Lane said that this would have a huge environmental impact and wanted to know what the time line was.

Mr. Lord said that this was brand new to the WPCA.

Emily Mueller of 6 Augusta Circle asked if it would be addressed at the next WPCA meeting.

Mr. Casner said that the WPCA would continue to work on this issue.

Ms. Riling noted that with Super Storm Sandy, no generator was available. EverSource has scheduled a power outage next week. Now that Connecticut Water has a standby generator for the water system, what happens if there is no generator for the septic system? Mr. Ventres stated that the facility has standby generators in a separate building. Mr. Pettinelli asked why they didn't have backup generators at each pump house. Mr. Ventres said that the DEEP permitted it this way.

Joe Garafalo of 1 Pinehurst Lane asked about the proposed development. Mr. Lord said that it was not up to the WPCA. The jurisdiction was the DEEP's. The WPCA has to enter an operation and maintenance agreement but does not design the facility.

Ms. Riling asked if the fitness center and the restaurant at the golf course were using the residential system. The fitness center is crowded every day. Mr. Ventres stated that the golf club house has its own septic system but the fitness center is connected to the community system.

Brenda McConnell of 5 Pinehurst Lane said that there is an odor from the system.

Mr. Lord acknowledged that the DEEP has not been on top of the situation and the WPCA will look into the situation. Mr. Lord said that he understands that when they are understaffed the decisions have to be made as to where the resources are allocated.

Charlotte Gelston asked why the WPCA doesn't demand proof that the system has been pumped. Mr. Lord noted that the WPCA may not have authority. The Chatham Health District regulates systems under 2000 gallons per day. The State Department of Health regulates systems that are over 2000 gallons per day and under 5000 gallons per day. The DEEP regulates systems that are over 5000 gallons per day.

Mr. Riling said that copies of any tests or reports have not been forwarded to the Chatham Health Department of the WPCA. She stated that the bottom line is that the residents of Banner need help.

Todd Gelston said that this is a critical situation that needs to be addressed.

Ms. Riling noted that over one thousand gallons of septic overflowed for three days in a row in 2013. At that time they witnessed the maintenance person shut off the pump alarm.

Mr. Gelston said that ninety people live there and this could significantly affect their property values. Something has to be done.

Mr. Lord said that the developer's engineer had already been notified about the problems. The WPCA is already moving on the subject.

Mr. Gelston wanted to know that the root cause of the problem and what corrective actions will be taken. He also asked if it would be advisable for them to meet with the Commissioner Klee of the DEEP.

Mr. Lord said that we should focus on the problem in East Haddam first to see if it can be resolved.

Ms. Riling said the developer is trying to separate themselves away from Banner Estates and focusing on the golf course. The residents have been hit two years in a row with a special assessment due to the lack of maintenance. The residents can't afford more.

Mr. Gelston asked if an outside consultant is needed.

Terry Dickerson asked who regulates the site and if it is a housing authority.

Mr. Riling said that Banner was ordered to remove the brush but they haven't done it yet. There also are no as-builts for the septic system. She also stated the restaurant is hooked up to the system illegally.

Mr. Gelston said that a Cease and Desist should be issued if there was no record of the club house system.

Christine Bohannon of 20 Augusta Circle wanted to know how we document these issues and keep a running record.

Mr. Pettinelli said that it is important to back up your own records and then supply them to us.

Mr. Lord recommended that an official person for the group be appointed as the person of contact. It was key to keep track of the communications and accumulation of data generated. Ms. Riling said that she would be the contact person. Mr. Lord said that all communications should be forwarded to the Land Use Office.

4. DISCUSSION:

A) Water Planet Report:

Mr. Lord stated that himself, Mr. Ventres, Grant Weaver, and Jason Hoffman met last week to talk about the increasing maintenance cost. He stated as set up the system was not financially feasible if the pump cost were to continue,

The commission discussed the recent failures. Mr. Weaver presented a house by house report for replacements.

It was noted that the original pumps are almost twenty years old.

FR Mahoney has been replacing all of the pumps that fail with new pumps. The cost per pump replacement is over \$2500.00 per pump. It was agreed that not all of the pumps should just be replaced. Some could be repaired or taken back, repaired, and returned to the WPCA as a spare. Since none of the failed pumps are actually repaired, the cause of failure is not always known.

Jason Hoffman said that the cost of a new pump core is \$1875 while a repair is \$1600. Many of these pumps fail due to foreign objects like wipes, diapers, and clothing.

Mr. Lord said for the short term we need to look at how pumps are being replaced but maybe a bigger idea was needed. He noted that other towns such as Lebanon, Bolton, Marlborough, Vernon, Eat Hampton, and Colchester all use the same pumps. Maybe if all these towns pooled the bid, better pricing could occur.

Mr. Weaver said that better monitoring of the evaluation should occur.

Mr. Casner was concerned that the pump cores were never returned.

Mr. Balschek said that some of the pumps that failed were only three years old.

Mr. Lord said that we have a financial problem and are way over budget on the Operating and Maintenance costs. He also noted that there may not be any room left to raise rates.

Mr. Pettinelli asked if there are different pumps that will chew up foreign objects and not burn out or something that will trigger the pump off before the system fails. Mr. Weaver said that there are competitors to E-One pumps for aftermarket replacements.

The group discussed the potential of a Capital Improvement request to replace the funds to get back to being self-sustaining. Mr. Ventres noted that back in 1997, the plan was to move out of the Town Office site and open the area to commercial use. That would have provided \$20,000.00 to \$30,000.00 annually. This would have been enough to cover the increase in costs plus put money aside for capital improvements.

Prior to discussing this further, Mr. Weaver said that he will review all of the records and check on other pumps.

The following were set as objectives prior to the next meeting:

1. Mr. Ventres will draft a letter for prohibited objects. Owners will be responsible for replacement costs if these prohibited items are found to be the cause of failure.
2. Mr. Ventres will investigate if we can have a public education workshop for the village.
3. Mr. Weaver will investigate alternate pump choices and discuss with F.R. Mahoney operation procedures and reporting.
4. Mr. Lord and Mr. Ventres will contact other towns and WPCAs to see if we can leverage buying power on equipment and labor.
5. Mr. Ventres will look into whether and DEEP Grants are available.
6. Mr. Weaver will discuss costs to calibrate flow meters and report on potential additional repair cost that may be needed.

3. MINUTES:

Tabled

5. ADJOURNMENT:

Motion by Mr. Blaschik, seconded by Mr. Casner to adjourn at 9:15 p.m. Motion carried by unanimous vote.

Respectfully submitted,

James Ventres
Land Use Administrator