

MINUTES OF THE CHESHIRE WATER POLLUTION CONTROL AUTHORITY (WPCA) MEETING HELD ON WEDNESDAY, FEBRUARY 26, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Timothy Pelton, Chairman; Steve Carroll, Mark Kasinskas, John Perrotti, Thomas Scannell. Absent: Matthew Bowman, Ken Cianci.

Staff: Walter Gancarz, Town Engineer; Andrew Lord, Town Attorney

Guest: David Schrumm, Town Councilor; Don Chelton, AECOM

ROLL CALL

The roll was called and a quorum was determined to be present.

The group Pledged Allegiance to the Flag.

Chairman Pelton read the emergency evacuation notice.

1. PUBLIC COMMUNICATIONS

Chairman Pelton distributed copies of a memorandum from Town Manager Milone dated February 21, 2014 regarding the Town of Cheshire Facebook Page, and copies of a letter he authored to the editors of the *Cheshire Herald* and *Hartford Courant* regarding the DOC payment to the Town for under reporting of flows entering the sewer system due to a faulty meter.

2. APPLICATIONS

3. PROJECTS

**a. Legal fees from Robinson and Cole for Clean Water Fund Program-
\$43,140.09**

MOTION by Mr. Perrotti; seconded by Mr. Kasinskas

MOVED that the WPCA approve payment of the legal fees from Robinson and Cole for Clean Water Fund Program in the amount of \$43,140.09.

Discussion

Mr. Gancarz explained that this is payment for professional legal services associated with the project loan and grant agreement with the State of Connecticut. On the second page of the invoice there is a detailed description of the legal services.

VOTE The motion passed unanimously by those present.

b. Application #3 from Carlin Contracting dated January 31, 2014 in the amount of \$327,738.12

MOTION by Mr. Carroll; seconded by Mr. Perrotti

MOVED that the WPCA approves payment of Application #3 from Carlin Contracting dated January 31, 2014, in the amount of \$327,738.12.

Discussion

Mr. Gancarz has reviewed application #3, and recommends that the WPCA approve payment.

Mr. Chelton gave a brief update on the project, stating that Carlin continues to work despite the weather conditions. About 4% of the volume of the work with a 12% time frame has been done. The hole is dug and de-watered for the UV and filter building; some walls are being poured for the administration building and electrical building; demolition is completed for the digester building; and some minor demolition has been done for the de-watering building.

VOTE The motion passed unanimously by those present.

- c. **Invoice #37416418 from AECOM dated February 1, 2014 in the amount of \$20,750.00.**

MOTION by Mr. Scannell; seconded by Mr. Carroll.

MOVED that the WPCA approves the payment of Invoice #37416418 from AECOM dated February 1, 2014 in the amount of \$20,750.00

Discussion

Mr. Gancarz has reviewed this invoice, and recommends it for payment by the WPCA. The invoice was a subject of negotiations with AECOM, and the agreed upon amount was \$20,750, one-half of the billed request.

VOTE The motion passed unanimously by those present.

- d. **Invoice #37416815 from AECOM dated February 12, 2014 in the amount of \$112,270.99**

MOTION by Mr. Scannell; seconded by Mr. Carroll.

MOVED that the WPCA approves the payment of Invoice #37416815 from AECOM dated February 1, 2014 in the amount of \$112,270.99

Discussion

Mr. Gancarz stated this is an invoice for administrative services, and he has reviewed the invoice, with recommendation for payment.

On the score sheet of the invoice, Mr. Chelton said there is a summary of the services. Two weeks ago there were 147 shop drawings, and now there are 200+ drawings, so much is happening. There is a window of time for getting the clarifiers done, and those shop drawings have come in and been approved and fabricated. There has been nothing of major concern and no surprises.

VOTE The motion passed unanimously by those present.

With regard to approaching the State for request of the funds, Mr. Gancarz reported that the Finance Department has started to pull together the first application. He has spoken with Town Manager Milone and Finance Director Jaskot on the timing of the application. The Town wants reimbursement, but there is no rush to get the first application in because the interest starts to accumulate. The first application is being prepared; more money is being requested for the design portion; this would cover about \$2 million in design and \$1 million for the Carlin billings to date. During the summer there will be more invoices coming in, and Mr. Gancarz said the Town will have steady cash flow.

4. SUPERINTENDENT'S REPORT

a. Status of digester cleaning.

Mr. Gancarz gave an update stating that the 2nd digester cleaning is done; they are working on the primary; and with better weather the contractor should be done in a few weeks. There were several concrete boards, footings and foundation walls put in for the generator building, and walls for the administration building with a pouring schedule for later this week. Supt. Dievert must coordinate things, including pulling down one of the secondary clarifiers for inspection. This was started a few weeks ago, but cold weather set in, the work had to stop due to icing, and with warmer weather things can move forward.

b. CCI meter chronic problems

Mr. Gancarz reported that the flow meter continues to not work, and Supt. Dievert has been in constant contact with DOC, and has called their supplier. He is networking hard to get the meter repaired, and he is using a ratio of typical CCI flows to the total plant flows. The CCI issue is an item for discussion by the WPCA as it is time for the Town to take over the meter and get it repaired. With control over the meter, Mr. Dievert could have it repaired and back on line.

With more Town control, Mr. Perrotti said there would be fewer problems, and he asked how this can be done.

According to Mr. Gancarz the best thing is for CCI to give the Town the meter for \$1.00. The Town could build something further down stream, but this would cost in the 6 figures. The repair would not be as costly, and Mr. Gancarz is unaware of CCI's relationship with the company that repairs the meter. The meter is located in an open field area, locked in a vault.

Chairman Pelton stated this matter would be taken under advisement for a firmer approach on taking over the meter.

Attorney Lord has not seen anything about taking over State property. He advised that the agreement should be looked at to learn what CCI is required to do, then a strategy can be developed...it all depends on the contractual obligations.

5. TOWN ENGINEER'S REPORT

a. Update on North End development.

Mr. Gancarz spoke with Darin Overton from Milone and MacBroom, and was informed that the developer will not be in a position to have an application before WPCA in March. Time is needed for Milone and MacBroom to meet with Mr. Gancarz, with the likelihood of an application coming before WPCA in April. In his discussions, Mr. Gancarz noted the importance of having good information as to the basis of the flows. It is his understanding that the route has not yet been determined; there are ongoing negotiations for easements for the gravity route; and this would be up to the steps of the West Johnson pump station. Next month Mr. Gancarz will have an update on his meeting with Mr. Overton.

b. Status Cook Hill Pump Station – new pump installation

Nothing has been done with the new pump as the cold weather has an impact on the work to be done. Installation will be done in the warmer weather. Public Work crews will, probably, do the pump upgrade work.

c. PCB update – move to later on the agenda.

d. Sump Pump subcommittee meeting protocol

Mr. Gancarz explained that if four (4) WPCA members attend a subcommittee meeting, then it becomes an official meeting under FOI, must be publicly noticed, and minutes taken and submitted.

Chairman Pelton thanked Mr. Kasinskas for bringing this issue to the attention of the Authority.

e. I/I program update

It was scheduled to have the flow meters done next week, but there has been a delay due to the cold weather, and things should start in a week or two – the week of March 10th or March 17th. The meters will go where they were previously located.

Chairman Pelton commented on the use of bond funds for the I/I program with payment for homeowners to mitigate pumps. He asked Attorney Lord to check with bond counsel on this issue.

Attorney Lord reported that he spoke with bond counsel. There are two different bonds. One is for investigation of I/I, and one is for remediation. The fund has about \$100,000

to \$150,000 balance. The question is whether the unused bond proceeds can be used to pay homeowners to disconnect a sump pump from discharging into the sewer system. The answer was that, as long as the money is used for infrastructure improvements, it would be acceptable. Bond counsel cautioned about the use of the funds. If there was an audit there would have to be good documentation that the money was used for infrastructure. Attorney Lord said that any unused fund proceeds could be used to pay off the principle and balance of that bond or interest on other bonds. This would free up cash that would be unrestricted. The Town Manager and Finance Director will review this issue and advise.

Chairman Pelton stated that the Town and WPCA do not want to be in the “do it yourself sump pump remediation” business. It would be better to direct the funds in a direction easier to administer.

f. HBs 5081 and 5082

Bill 5081 relates to the increase in the phosphorous funding from 30% to 50%, and there has been nothing forthcoming on the change in percentage. Mr. Gancarz presented testimony on this bill.

Bill 5082 relates to using a 12 month average as to when the plant hits 90% of flows to trigger a facilities plan rather than 6 months. In using 6 months, with an extremely wet period, the 90% could be easily triggered. The Town of Wallingford has a 12 month average usage. Mr. Gancarz said there needs to be clarification on the language.

c. PCB update

Mr. Chelton distributed three photographs from the plant. #1 is a typical window on the Operations Building; #2 is the entrance to the Operations Building; #3 shows the window and door openings on the Digester Building.

The Authority was informed by Mr. Chelton that the contractor informed AECOM about pcb's on site; testing was done on the windows and doors; and pcb's exceeded both Federal and State limitations.

There are about 40 to 45 openings in the three buildings under review – Operations Building, Digester Building, Influent Pump Station. Because pcb's were found in the caulking it necessitated a second round of testing to determine how far pcb's have leached into the outside brick and inside the block. It was found penetrations were deeper in the masonry units and some glazed block areas.

Mr. Chelton distributed a summary of PCB Building Materials for the Operations Building, Digester Building, and Influent Pump Station. He reported that the paint in some locations also has pcb's; some of the soil and pavement below the openings have some pcb concentrations that exceed threshold limits. At this time it is uncertain where it is all going, or if all the elements have been discovered. These are preliminary findings and thoughts on where this may all go.

Mr. Chelton reviewed the summary for each of the buildings with pcb materials. He noted that the findings are somewhat repetitive. For each building he cited the building component, material where pcb's were found, and the action required.

The photographs and summary are attached to these minutes.

According to Mr. Chelton the pump station has some issues with paint containing pcb's on the duct work and panels, which will require blasting to remove the paint.

The Authority was told by Mr. Chelton that the experts are putting together a remediation plan, with the draft ready next week. Shortly after the report is drafted the costs associated with the remediation will be determined. The plan will be submitted to the regulators. There are two priority items – the cap stone caulk in the Digester building, and testing of the fascia/soffit to see if the caulking can be removed at the joints without damage to the panels. Without doing this the next alternative is removal of all the fascia panels and rebuild...this is a road we do not want to go down.

Chairman Pelton asked about the regulations coming into play with schools and public assembly areas. He said this is a treatment plant which is unoccupied most of the time, with limited personal exposure, and asked if the regulators take this into consideration.

Mr. Chelton believes the answer is "no."

Mr. Gancarz stated they do make a differential between low occupancy, so perhaps some of the remediation could be less aggressive. He said a good argument would be needed for less aggressive remediation. There are only 10 people working on site during daytime hours, and they are not long in any one building.

For the electrical panels on the wall, Mr. Pelton commented on the pcb's in the paint, and asked why this low exposure risk cannot be left there.

This makes logical sense, and Mr. Chelton said that the Operations Building could be treated differently than the other two buildings, as people are in the Operations Building more regularly. The other two buildings are visited, people are in and out after doing some type of service, but he thinks that the regulators are proceeding on a very conservative side. No one is sure of the ramifications of these facilities, and Cheshire is the first plant that DEEP has seen with pcb issues. Most of the focus has been on schools, and now it is going to other facilities. Mr. Chelton commented on the risk factor for 30 kids in a classroom as opposed to a pump station as not being comparable. But, he noted that they are being treated equally for exposure.

Attorney Lord informed the Authority that he has had a few projects in older building in a residential setting. The issue of pcb's has come up in older buildings, with the same approach of getting it all out. It was in 1978 that pcb's were banned in use, and the regulators are interpreting the rule banning the use as meaning not only in the

production of products, but use of products containing pcb's. Once this interpretation of the regulation was made, now they are on a regulatory track.

The question of an appeals mechanism was raised by Chairman Pelton, using a common sense approach.

In response, Mr. Gancarz said with the remediation plan being put together, a strong argument will be made but the Town will not get out the remediation completely. With an appeals process there is lost time involved on the project...and it could be up to two years.

Attorney Lord said it would be an industry solution...if there ever is one.

Mr. Chelton reported that one person is running this program at EPA. The AECOM expert has worked with this person over the years and has a relationship with this person. He is not encouraged there will be relief for Cheshire. If there are pcb's they must go.

Once the plan is drafted, Mr. Gancarz said the next step is getting it to the regulators, and then working with the contractors on the financial impact. This is the major concern...how much it will cost...and there is no number at this time. He expects it to be in the six figure range. The Operations and Digester buildings have an impact, but the Influent Pump Station building is the most concerning because of the number of items in there, and it must operate without interruptions every minute of every day throughout the process. The Operations building will be the most expensive of the three buildings to remediate. In 30 to 60 days we will have the numbers, and this starts to impact other items down the line. We are already deferring portions of the expenditures to do with the sludge dewatering equipment until we get an answer to the pcb issues.

Town Councilor David Schrumm asked when the new regulations on pcb's came into play.

Stating he does not know the full history, Mr. Chelton said in 2010 there was some notice from EPA alerting communities about schools. The focus was always on schools, and Cheshire's plant job is the first in Connecticut with pcb issues. The focus has migrated to the industrial side.

Mr. Perrotti stated it is the age of the paint and the caulking used.

Mr. Chelton said the paint and caulking had pcb additives between 1950 and 1978.

Chairman Pelton asked if there have been any class action suits against 3M or the paint and caulking people about bad judgment.

In reply, Attorney Lord has not heard of any yet.

Mr. Chelton said you would think something could be done to find out whether this is airborne, and if the facility was creating a health hazard. If it was -- you deal with it. If not, it can be monitored every so often. But this does not appear to be an option.

6. OLD BUSINESS

None

7. NEW BUSINESS

a. Letter from Chesprocott dated January 31, 2014

No data.

b. Approval of Minutes – Regular Meeting held January 22, 2014

MOTION by Mr. Pelton; seconded by Mr. Kasinskas.

MOVED that the WPCA approve the minutes of the Regular Meeting of January 22, 2014 subject to corrections, additions, deletions.

Corrections: Page 1, line #3...should read "gpad"; page 2, item c, line #6, should read "166"; page 3, item b...should read "PCB Update".

VOTE The corrected motion passed unanimously by those present.

8. ADJOURNMENT

MOTION by Mr. Scannell; seconded by Mr. Carroll.

MOVED that the meeting be adjourned at 8:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

