



# TOWN OF VERNON WATER POLLUTION CONTROL AUTHORITY

8 PARK PLACE, VERNON, CT 06066

Tel: (860) 870-3699

Fax: (860) 870-3584

OFFICE OF THE  
WATER POLLUTION  
CONTROL AUTHORITY

WATER POLLUTION CONTROL AUTHORITY

Regular Meeting Minutes

March 24, 2016

DRAFT

Attendees: E. Ray Weaver, John Anderson (arrived at 7:50 p.m.), Elizabeth Landry and Andrew Tedford. Also in attendance: Robert Grasis, Director, Water Pollution Control; Steve Boske, Assistant Director, Water Pollution Control; Vincent Purnhagen, Town Attorney; Stanley Socha, owner, 325 South Street

## CALL TO ORDER

The meeting was called to order at 7:30 p.m.

## PUBLIC COMMENT

None.

## MINUTES OF THE WPCA REGULAR MEETING HELD ON FEBRUARY 25, 2016 AND SPECIAL MEETING HELD ON MARCH 8, 2016

Mrs. Landry, seconded by Mr. Tedford made a motion that the Water Pollution Control Authority accepts the minutes of the February 25, 2016 WPCA Regular Meeting as presented. The motion passed unanimously (3-0-0). Mr. Tedford, seconded by Mrs. Landry made a motion that the Water Pollution Control Authority accepts the minutes of the March 8, 2016 WPCA Special Meeting as presented. The motion passed (2-0-1) with Mrs. Landry abstaining.

## EXECUTIVE SESSION TO DISCUSS TOLLAND AND SKIP'S/WASTEWATER SERVICES UPDATE

Mrs. Landry, seconded by Mr. Tedford, made a motion that the Vernon Water Pollution Control Authority, pursuant to the authority given in Connecticut General Statutes, Section 1-200 (6) (B) and (D) hereby moves to go in to Executive Session to discuss pending litigation matters regarding Town of Vernon Water Pollution Control Authority V Tolland WPCA and invites John D. Ward, Town Administrator; Rob Grasis, Director, Water Pollution Control; Steve Boske, Assistant Director, Water Pollution Control; Attorney Vincent Purnhagen and any other persons the Water Pollution Control Authority deems appropriate, to attend the Executive Session. The motion passed unanimously (3-0-0) and the Authority entered into Executive Session at 7:33 p.m. Mrs. Landry seconded by Mr. Tedford made a motion to exit Executive Session. The motion passed unanimously (3-0-0) and the Authority exited Executive Session at 7:41 p.m.

## SHOW CAUSE HEARING

Mr. Grasis introduced a signed agreement between the Water Pollution Control Authority from the Town of Vernon and the Water Pollution Control Authority from the Town of Tolland that had been signed by the Chairman of each Authority. Chairman Weaver asked for a motion to accept the agreement. Mr. Tedford, seconded by Mrs. Landry made a motion that the Vernon WPCA accepts the agreement presented by Vernon Director Robert Grasis, between the Vernon WPCA and the Tolland WPCA, as presented. Mr. Tedford amended the motion to include authorizing the Chairman to enter into the agreement with the Tolland WPCA. Mrs. Landry seconded the amended motion. Mr. Grasis said that the WPCA's Chairman from the Town of Tolland has already executed the agreement. There was no further discussion and the motion passed unanimously (3-0-0). Chairman Weaver thanked Attorney Purnhagen for all of his work.

RECEIVED  
TOWN CLERK  
MAR 30 PM 3:18

DISCUSSION OF ACCOUNT #9872 – 325 SOUTH STREET

Mr. Grasis introduced Mr. Socha to the Authority and provided background information on this item regarding sewer use charges that were never billed to Mr. Socha's account. Mr. Socha said that he was a first time homeowner and was told that sewer use charges were included in the water bill. Mr. Socha said that he would pay sewer use fees going forward and \$500 towards the outstanding charges. Chairman Weaver said that there is an obligation on both sides since it was the Authority's fault that the account was not set up, but sanitary sewer services were used by Mr. Socha. Mrs. Landry suggested both sides should meet in the middle to resolve the charges. Mr. Anderson and Chairman Weaver both agreed that a payment schedule without interest charges should be negotiated. Chairman Weaver said that other rate payers need to be protected and a precedent would be set if these fees are waived. Mr. Anderson agreed. It was the consensus of the Authority to have Mr. Grasis and Mr. Socha negotiate a payment schedule.

PRESENTATION OF PLANS FOR PROPOSED MIX USE DEVELOPMENT LOCATED AT 243 AND 253 TALCOTTVILLE ROAD

Mr. Grasis presented the plans for the proposed mix use development located at 243 and 253 Talcottville Road relative to the sanitary sewer. A discussion took place regarding flows and the trunk sewer. Chairman Weaver said that the Authority wants more assurance that the plans for the sewer for this project will work. It was the consensus of the Authority to have Collection System Foreman Dj Lupacchino speak with a representative of VHB as to whether or not there is sufficient flow capacity on Talcottville Road to accommodate this development.

UPDATE ON TREATMENT PLANT UPGRADE

Mr. Grasis reported that the draft proposal for the scope of services is being reviewed.

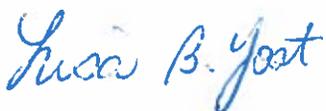
PLANT SUMMARY

Mr. Boske said that everything at the treatment plant ran excellent last month and explained to the Authority the phosphorus limits now noted on the monthly summary report. He reported that kilowatt hours were down due to the regen boiler coils that needed to be rebuilt and that septage was up due to the warmer weather. Mr. Grasis reported that the new Assistant Tax Collector was hired, and that 75% of that salary will come from the Sewer Authority budget. Mr. Anderson expressed concern about paying 75% of the salary because the Assistant Collector will eventually be located in the Tax Department and questioned why the position would not remain at the Business Office. Mr. Grasis explained that the Assistant Collector will be working in a supervisory capacity when the Tax Collector is not present. Mr. Grasis also reported that the budgets were presented to the town council and a surge relief valve is needed for the Talcottville Pump Station. Cardinal Engineering was hired to design the realignment of approximately 500 feet of sewer lines on South Street. The road is being rebuilt and the sewer lines will need to be realigned Mr. Grasis said.

ADJOURN

Mr. Tedford, seconded by Mrs. Landry made a motion to adjourn. The motion passed unanimously (4-0-0) and the meeting was adjourned at 8:46 p.m.

Respectfully submitted,



Lisa B. Yost  
Secretary, Water Pollution Control

re: Discharges to Sanitary Sewer at 40 Tolland Stage Road, Tolland, CT  
Water Pollution Control Authority  
Town of Tolland  
21 Tolland Green  
Tolland, Connecticut 06084

### AGREEMENT

The Water Pollution Control Authority of the Town of Vernon (“Vernon WPCA”) and the Water Pollution Control Authority of the Town of Tolland (“Tolland WPCA”) stipulate and agree to the entry of a final agreement relating to the discharge to the sanitary sewer from the hookup to the sewer main located at 40 Tolland Stage Road, Tolland, Connecticut, as such were described in the Cease and Desist Order issued by the Vernon WPCA on June 30, 2015, as follows:

**WHEREAS**, the Vernon WPCA operates a sewer system with a sewer treatment plant located at 100 Windsorville Road, Vernon, Connecticut;

**WHEREAS**, the Town of Tolland is authorized to discharge sewage to the Town of Vernon sewer system in accordance with the terms and conditions in the Tolland/Vernon Intermunicipal Agreement, dated April, 6, 1989 (the “IMA”);

**WHEREAS**, the Tolland WPCA issued a permit approving the sewer hookup and the discharge of sewage and/septage from such hookup located at 40 Tolland Stage Road, Tolland, Connecticut (“40 Tolland Stage Road Hookup”);

**WHEREAS**, the Vernon WPCA did not issue an approval of the 40 Tolland Stage Road Hookup;

**WHEREAS**, the Vernon WPCA incorporates and adopts the findings and conclusions set forth by the Connecticut Department of Energy & Environmental Protection (“DEEP”) in its Notice of Violation No. NOVWRNIN15007 issued to Wastewater Services Incorporated and Skip’s Septic Tank Service, Inc. (collectively referred to as “Skip’s”)(the “May NOV”), DEEP’s Inspection Report, dated May 7, 2015, and DEEP’s correspondence to Skip’s dated June 23, 2015, including but not limited to the following:

- (a) Skip’s “discharged wastewater associated with septage processing operations without a permit in violation of section 22a-430 of the Connecticut General Statutes.”; and

CONFIDENTIAL - FOR SETTLEMENT NEGOTIATION PURPOSES ONLY

(b) Skip's "illegally depositing of materials directly into the sanitary sewer caused dangerous conditions within the sanitary sewer collection system in violation of 40 C.F.R. 403.5(b) (2) (3) (7) and (8)".

**WHEREAS**, on June 30, 2015 the Vernon WPCA issued a Cease and Desist Order to the Tolland WPCA relating to the 40 Tolland Stage Road Hookup;

**WHEREAS**, while the Tolland WPCA does not stipulate to the authority of the Vernon WPCA's authority to issue such Cease and Desist Order, the Tolland WPCA desires to solve the problem(s) which have been caused by the 40 Tolland Stage Road Hookup and otherwise comply with the IMA and all relevant contractual, statutory and regulatory requirements.

**WHEREAS**, the parties have entered into this Agreement as a compromise to avoid prolonged mediation and litigation and nothing herein shall be deemed an acknowledgment or admission by any party of any wrongdoing or liability;

**NOW THEREFORE**, without any party making any admission of law or fact, the parties hereby agree and covenant to comply with the following terms and conditions:

1. The Town of Tolland shall not discharge nor approve any discharge into the sewer system of the Town of Vernon any sewer substances or wastes containing such characteristics and/or volume determined to be excessive by DEEP and/or the Town of Vernon in accordance with the IMA. Apart from the discharge at the 40 Tolland Stage Road Hookup, the parties hereto represent that they are not aware of any other claimed or proven examples of any such sewer substances or wastes into either the Tolland or Vernon sewer systems either at the present time or in the past in the areas of the sewer line downstream from the Skip's discharge location, except as enumerated herein.
2. Tolland WPCA shall only accept waste into its sanitary sewers in accordance with the IMA and discharge septage only directly at the Vernon Sewage Treatment Plant as approved by Vernon.
3. Tolland WPCA has rescinded its approval to Skip's Wastewater Services to discharge to the Town of Tolland collection system, unless and until DEEP and the Vernon WPCA approve any future application for permit to discharge by Skip's.
4. Tolland WPCA has required that the 40 Tolland Stage Road lateral connection remains capped and no longer be used unless and until any future discharge has been properly approved and permitted by the Tolland WPCA, Vernon WPCA and DEEP.
5. Tolland agrees to pay for the work necessary to mitigate and/or repair and clean any obstruction to the collection system, including cleaning the impacted sewer lines and siphons as agreed to between the Tolland WPCA and the Vernon WPCA, resulting from Skip's discharge in accordance with Vernon's requirements or otherwise agreed to with Vernon in an amount not to exceed \$. 70,000.00.

- 6. With respect to any claim of outstanding damages due the Town of Vernon in connection with the discharge of materials at 40 Tolland Stage Road Hookup other than those identified with cleaning including sludge removal in paragraph 5 herein with a total cost of \$ 70,000.00 or less, the Tolland WPCA and the Vernon WPCA agree to negotiate such damages. To the extent the parties are unable to reach a mutually agreeable settlement for any such claimed damages, including any cleaing costs from paragraph 5 in excess of 70,000, the parties agree to enter into mediation in accordance with the IMA, and any such mediation should commence no later than six months from the date of execution of this Agreement, unless otherwise agreed to by both parties in writing.

Notwithstanding the foregoing, the parties executing this Agreement are doing so without prejudice and not waiving any of their rights, claims or defenses relating to those matters not fully resolved herein. Further, nothing in this Agreement shall affect the Vernon WPCA's authority to institute any proceeding to prevent or abate violations of law, prevent or abate pollution, recover costs for the violations of any statute, regulation or agreement over which the Vernon WPCA has authority to do so.

The signatories below are duly authorized representatives of the parties with the necessary approval to execute this Agreement.

Agreed to on this 24 day of ~~February~~, 2016, by:

~~APRIL~~  
MARCH 2016

Water Pollution Control Authority  
Town of Vernon

Water Pollution Control Authority  
Town of Tolland

By: *Walter A. Weaver*  
Its: WPCA CHAIRMAN

By: *[Signature]*  
Its: CHAIRMAN.  
WPCA