

**WATER POLLUTION CONTROL AUTHORITY
TOWN OF SOUTH WINDSOR**

**DRAFT MINUTES
COUNCIL CHAMBERS**

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**REGULAR MEETING
OCTOBER 5, 2021 AT 7:00 PM**

Chairman Thomas Ruby called the Regular Meeting to order at 7:00 p.m. The following actions were taken during the October 5, 2021 Regular Meeting.

A. Roll Call

Members Present: Thomas Ruby, Toby Lewis, Michael Lyon, Bala Ramasamy, and Stephen Wagner

Members Absent: Carol Fletterick

Alternates Present: Shawn Jacobaccio and Vicki Paliulis (7:05 p.m.)

Alternates Absent:

Staff Present: Ether Diaz, Recording Secretary
Tony Manfre, Superintendent of Pollution Control

Others Present: Steven King, Jr., Council Liaison

B. Acceptance of Minutes of Previous Meetings

1. September 7, 2021 Regular Meeting

Motion to accept the minutes of the September 7, 2021 Regular Meeting as presented.

The motion was made by Toby Lewis and seconded by Mr. Shawn Jacobaccio.
The motion carried unanimously.

C. New Business

1. Adoption of Decision and Order Re: Sewer Use Charge Appeal for 310 Nutmeg Road

Chairman Thomas Ruby explained that included with the Agenda was a copy of the proposed Decision and Order for which members of the Authority sat as a hearing panel (see Exhibit A). A copy of the Decision and Order was forwarded to the parties in the matter.

Motion to adopt the Decision and Order regarding the sewer use charge appeal for 310 Nutmeg Road as provided.

The motion was made by Mr. Stephen Wagner and seconded by Mr. Toby Lewis.
Mr. Michael Lyon abstained. The motion passed with five yays (Thomas Ruby, Toby Lewis, Shawn Jacobaccio, Bala Ramasamy, and Stephen Wagner) and 1 abstention (Michael Lyon).

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2. Miscellaneous Industrial User General Permit Policy – Approval

Included with the Agenda was a draft copy of the Miscellaneous Industrial User (MIU) General Permit Policy (see Exhibit B) for review and approval by the WPCA. Mr. Manfre, Superintendent of Pollution Control explained that the WPCA created an MIU Subcommittee in response to the State of Connecticut Department of Energy and Environmental Protection (DEEP) no longer administering the general permit for the MIUs. The Subcommittee began meeting in April 2021 and created a draft policy for review and discussion (see Exhibit B). Mr. Manfre explained that in discussing this matter with Chairman Ruby it was recommended that this document should be part of the WPCA regulations as Section 17. In order to implement this policy into the regulations a Public Hearing is needed to adopt it, said Mr. Manfre.

Ms. Vicki Paliulis entered at 7:05 p.m.

Mr. Manfre briefly discussed the proposed policy and explained that the Committee is proposing two permit fees; a \$100 application fee and a \$100 renewal fee. The application fee is the cost that it will take to administer this new program and it was based on the estimated amount of hours involved in accepting, reviewing and processing the permit. The \$100 annual fee for the renewal is based on the DEEP existing \$500 permit fee for a five year permit. Instead of \$500 fee every five years, the Subcommittee is proposing a \$100 annual fee. Two more revisions that Mr. Manfre will be making to the draft policy is as following: Section 11, on page 8. The October 31, 2020 date is the date for when the MIU general permit was released by DEEP to the Town. This language needs to be corrected to the adoption date of the policy, said Mr. Manfre. Also, on page 1, number 1 the language will be changed to “all dischargers of wastewater to obtain the permit”.

Chairman Ruby thanked and congratulated Ms. Carol Fletterick, Vicki Paliulis and Mr. Manfre for the amount of work that they’ve put in and the many meetings they had in order to transfer a relatively complex DEEP regulation into terms that can be understood. At this point Chairman Ruby opened the meeting for questions from members of the Authority.

Mr. Toby Lewis expressed concern on the proposed renewal fee in the amount of \$100. He stated that the WPCA always tries to minimize increasing costs to citizens and to users. He recommended waiving that fee as it seems to be excessive to keep charging somebody just because DEEP does charge. Mr. Manfre agreed that yes, they try to minimize fees on to the sewer users but at the same time they need to recoup their cost for administering this program. Ms. Vicki Paliulis explained that she manages six industrial wastewater permits for the facilities she works for and they spend \$8,000 in permit fees under the State guidelines, therefore, \$100 a year is very reasonable. The CT DEEP does not have any involvement in the permit processing; they are leaving it to the towns to manage it themselves. Their only involvement is if there’s any pollution to the navigable waters of the US. Chairman Ruby explained that these fees

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will be included in the schedule of fees each year when the WPCA prepares their budget. Therefore, it is subject to be adjusted during discussions of the budget. Mr. Paliulis explained that by putting a price point it will allow to make the permittee aware that they are still under the permit guidelines by issuing the annual fee.

Mr. Stephen Wagner asked if this policy is going to be included in the WPCA Regulations. Mr. Manfre responded that the thought was to have it as a policy but through recent discussion with Chairman Ruby it was decided that is best to have it in the regulations.

Mr. Wagner also asked how these users are different from other industrial users. Based on volume, responded Ms. Paliulis and explained that this particular permit is for Miscellaneous Industrial Users. The commercial accounts all depend on the SIC Code to determine what classifies their industry; a Miscellaneous Industrial User or a Significant Industrial User (SIU).

On page 7, Item 10a of the draft policy "Enforcement Actions", Mr. Wagner asked what happens if the property owner does not consent the inspector to come in to the premises. Therefore, he recommended perhaps changing the language to reflect that the inspector has the right to enter the premises for the purpose of inspection. Mr. Manfre responded that if they are not complying or allowing the inspector into the building the Town can call the CT DEEP inspectors to assist in that regards. Ms. Vicki Paliulis responded that under the CT DEEP which governs the MIU there is language in reference to inspections that the Town do have accessibility to enter the premises as long as the properties are under the Town's MIU permit. So, yes the Town has the right under the MIU to proceed on site and it is typically announced.

Mr. Shawn Jacobaccio asked how many infractions under the CT DEEP administration of MIUs are in Town. Mr. Manfre responded that such information was not shared with him. Ms. Paliulis responded that any violations to the Clean Water Act is registered in the EPA website called ECHO.

Mr. Lyon asked if table 3-1 "Monitoring Parameters and Table 4 "Reporting Frequency" reflects new or additional requirements for town businesses to comply to. Mr. Manfre responded that both tables have language from the SW Water Pollution Control Authority and the State of CT DEEP. They are not new requirements, but it is a new policy for the Town. The requirements are existing requirements; the permittees should have been doing this and if there's any violations they should have been reporting it.

Mr. Bala Ramasamy stated that there is language in the draft policy that any violation has to be reported to the State DEEP. He asked if that's a regular reporting requirement or per occurrence. Mr. Manfre responded that if there is a known violation the permittee is required to self-report. Ms. Paliulis added that on Page 9 of the draft policy there's language on the requirements for reporting violations.

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Motion to hold a Public Hearing for a \$100 Miscellaneous Industrial Permit application fee and a \$100 annual renewal fee prior to the next regular meeting of the SW WPCA on November 3, 2021.

The motion was made by Mr. Shawn Jacobaccio and seconded by Mr. Toby Lewis. Mr. Toby Lewis asked to amend the motion so that the public hearing may take place at the SW Treatment Facility. Chairman Ruby asked for that matter to be discussed later on the Agenda. He explained that the motion is to adopt the policy. Mr. Wagner responded that the motion is not to adopt the policy but to hold a public hearing for purposes of setting an annual fee for the MIU application and renewal process. The motion carried unanimously.

Mr. Ruby asked Mr. Manfre to incorporate the policy into the WPCA Rules and Regulations for discussion and approval at the next Public Hearing.

Motion to adopt the Miscellaneous Industrial User General Permit Policy as presented by the WPCA's MIU Subcommittee.

The motion was made by Mr. Shawn Jacobaccio and seconded by Mr. Stephen Wagner. The motion carried unanimously.

3. Public Act No. 21-29 (Discussion – Stephen Wagner)

Chairman Ruby explained that this item on the Agenda was brought forward by Mr. Stephen Wagner for discussion. Included with the Agenda was a copy of a Memorandum from Naugatuck Valley Council of Governments to Municipal Planners (see Exhibit C). This memo is regarding Public Act No. 21-29. This memo provides information about implementation and potential municipal actions. There are two sections that are highlighted in yellow as most of the document deals with zoning, however, there's two sections that deals with Water Pollution Control Authorities in particular page 2 and page 8 of the document. Mr. Wagner explained that there is the possibility that the Town will choose to opt out of this law's implementation. Mr. Wagner explained that there are two sections in the Zoning Regulations that deal with accessory apartments. Mr. Wagner distributed a copy of the WPCA Rules and Regulations (see Exhibit D) and highlighted in yellow language regarding "dwelling unit" and "equivalent dwelling unit". He also highlighted the language regarding the appropriate sewer charges. Mr. Wagner also distributed a copy of the Draft policy (see Exhibit E) prepared by Michele Lipe, Town Planner after a discussion with the Planning and Zoning Commission that basically defines what an accessory dwelling would look like in an effort to adopt the intent of the new law. Mr. Wagner recommended going through the WPCA current regulations to determine whether or not the new law implementation will affect in any way. Mr. Ruby asked Mr. Manfre to meet with the Town Planner to discuss this matter and determine if there's any impacts and to please report at the next meeting.

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D. Communications and Reports

1. Annual Report

Included with the Agenda was a copy of the Annual Report for the Water Pollution Control Facility and for the Water Pollution Control Authority (see Exhibits F and G). Both annual reports were submitted to the Town Manager's office for printing. Mr. Manfre explained that the WPCF report highlights the treatment process numbers, Ellington Road Forcemain project, the project status on the Pump Station Upgrade and Chapel Road Phase II. The WPCA annual report highlights the efforts to offset electrical costs, the Authority's 10 year capital improvement projects plan, the operating and capital budgets, information on the 2nd consecutive year without a user fee increase, the reserve fund balances and the approvals and income eligible discount program.

2. Superintendent Report

Included with the Agenda was a report from Mr. Tony Manfre, Superintendent of Pollution Control (see Exhibit H). Mr. Manfre briefly discussed each item on his report. He also reported that the commercial sewer collection rate for 2021 is 98.77% and 99.15% for the residential. The Collector of Revenue collected \$9,296.33 of sewer revenue from the tax sale.

E. Public Participation (Items not on the agenda)

Mr. Wagner reported that he received an email message from a Town resident requesting to the WPCA adopting a sewer user fee based on water usage. The resident commented that there's only two people living in the dwelling. Mr. Wagner explained that this matter has been previously discussed in length several times over the past 5 or 6 years. Chairman Ruby responded that the issue has been raised and discussed at least three times since he joined the WPCA. He asked Mr. Manfre to respond to the resident.

Mr. Toby Lewis explained that the communication is very difficult in the Council Chambers. He recommended meeting somewhere else. Mr. Jacobaccio supported holding the WPCA meetings in an easier environment to communicate as it is challenging in the Council Chambers. All other members of the Authority agreed that is challenging to hear people in the Council Chambers. There was a unanimous consensus to have the November WPCA Public Hearing at the Treatment Plant Facility.

F. Bills, Change Orders, Disbursements

None

G. Unfinished Business

None

H. Executive Session

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None

I. Adjournment

Motion to adjourn at 8:30 p.m.

The motion was made by Mr. Toby Lewis and seconded by Mr. Michael Lyon.
The motion carried unanimously.

Respectfully Submitted,

Ether Diaz, Recording Secretary