AGENDA

DATE: Monday, December 16, 2013
TIME: 5:30 PM
PLACE: Public Works Center (Second Floor Conference Room), 15 South Smith Street

1. Call to Order

2. Approve the minutes from WPCA Meeting held on November 18, 2013 (copy included)

3. Authorize the Chairman or Vice Chairman of the Water Pollution Control Authority to execute an Agreement with Delray Contracting Inc. in the amount of $1,473,730 for the Sammis Street Pump Station and Ann Street Siphon Chamber Project (Project: WPCA2013-1). (bid documents attached)

   Account Nos. 09144062-5777-C0529, 09144062-5777-C0530

4. Authorize the Director of Public Works to issue orders on contract to Delray Contracting Inc. for the Sammis Street Pump Station and Ann Street Siphon Chamber Project (Project: WPCA2013-1) for an amount not to exceed $147,373.

   Account No. 09144062-5777-C0529, 09144062-5777-C0530

5. Authorize staff to retain Updike, Kelly & Spellacy, P.C. to begin litigation process over the warranty issue of the new main lift pumps with Flowserve U.S., Inc. (letter attached)

6. Reports:
   a. Introduction of Steven Birney as the GIS Analyst
   b. FY13/14 Revenues/Expenditures Report (copy included)
   c. Discussion on Waypointe Project – connection fee appeal (representatives from redevelopment and developer to attend)
   d. Discussion on sewer use fee and FOG for 60 Gregory Boulevard – “The Marvin” (Corporation Counsel letter attached)
   e. Draft NPDES Permit Status – Public Hearing (WPCA Chairman’s letter included)
   f. Discussion on Nancy on Norwalk (email attached)
   g. Sewer Use Bill Appeals/Adjustments Update
      1) Appeal status
   h. Information Copies:
      1) OMI Monthly Operating Report – November 2013 (copy included)
      2) 2014 WPCA Meeting Schedule (copy included)
      3) WPCA Contact List Update (copy included)
7. Adjournment

Next WPCA Meeting: Monday, January 13, 2014
5:30 PM
Second Floor Conference Room, Public Works Center
15 South Smith Street
CITY OF NORWALK
WATER POLLUTION CONTROL AUTHORITY
November 18, 2013

Attendance: Darren Oustafine, Chairman
Lewis Clark, Vice Chairman
Dave McCarthy
Galen Wells
Doug Hempstead
Fred Wilms

Staff: Hal Alvord, DPW Director
Lisa Burns, DPW Operations Manager
Ralph Kolb, DPW Waste Systems Manager

Others: John Ahern, CH2M Hill, OMI, INC.
Susan Sweitzer, Redevelopment Agency

1. CALL TO ORDER

Chairman Oustafine called the meeting to order at 5:32PM

2. APPROVE THE MINUTES FROM WPCA MEETING HELD ON OCTOBER 21, 2013 (COPY INCLUDED)

Mr. Wilms said on Page 4, Item 7, to remove his name and that he did not attend the meeting. Mr. McCarthy said that his name should be added on Page 4, Item 7

** MR. MCCARTHY MOVED TO APPROVE THE MINUTES AS AMENDED
** MOTION PASSED
** ONE ABSTENTION- MR. WILMS

3. AUTHORIZE THE CHAIRMAN OR THE VICE CHAIRMAN OF THE WATER POLLUTION CONTROL AUTHORITY TO EXECUTE AN AGREEMENT WITH ARCADIS U.S. INC., FOR FISCAL YEAR 2013-2014 CONTRACT OPERATIONS MONITORING SERVICES FOR A SUM NOT TO EXCEED $125,000 IN ACCORDANCE WITH PROPOSAL DATED NOVEMBER 14, 2003 (COPY INCLUDED)

Mr. Kolb said that there is currently a contract with Malcolm Pirnie and they have officially changed their name to Arcadis U.S. Inc. Mr. Wilms asked if the $125,000 was the original agreement. Ms. Burns said yes and that it has stayed flat.

** MR. MCCARTHY MOVED TO APPROVE THE ITEM
** MOTION PASSED UNANIMOUSLY
4. **ACT ON CONNECTION FEE APPEAL- WAYPOINTE PROJECT**

Ms. Sweitzer said that the Redevelopment Agency is the applicant that is submitting the request and is part of public support for the first phase of the Waypoint project. She said that the purpose of the application is part of a program of public assistance that both the city and state had provided to the Waypoint project. She said that given the difficulty attracting private investors to the West Avenue corridor the agency thought it was important to put forth a policy to assist developers, and are requesting immediate relief from the sewer connection fees in an amount not to exceed $250,000. Mr. Alvord said that staff has just received the request last week and at this point do not know what the credited meters are going to be, or what the final impact will be and have had no opportunity to develop a staff position other than to say the request is premature and would like the opportunity to bring a recommendation back to the Board. Mr. Wilms requested that the Redevelopment Agency provide an explanation as to why economically they need the relief. Mr. McCarthy asked if this has ever been done in the past on either a residential or developmental level. Mr. Wilms said this was done for the affordable housing project on 8 Fair Street. Ms. Burns said that was the first and last time that it has been done. Mr. Alvord said that the Board has had several requests from residents and other commercial establishments and there has been no discounts given other than the Fair Street project. Ms. Burns said that staff will continue to work with the Redevelopment Agency to further get the economics of the project.

**MS. WELLS MOVED TO TABLE THE ITEM**

**MOTION PASSED UNANIMOUSLY**

4. **REPORTS**

a. **FY12/13 Revenues/Expenditures Report (MUNIS report included)**
   Mr. Kolb said that overall everything is tracking as anticipated on both the revenue and expense side.

b. **Draft NPDES Permit Status (CTDEEP letter included)**
   Mr. Kolb said that staff is continuing to work with the DEEP and they have accepted some of staff’s comments regarding the permit, and others they did not agree to and in going through the permit there are a couple of more clarifications that staff will be responding back the State and that will take place this week.

c. **WWTP Main Lift Pumps Failure (letters included)**
   Ms. Burns said that staff is continuing to press for warranty coverage on the main lift pumps and all six of the new main lift pumps are compromised and need to be rebuilt. Mr. Clark asked if they all have the same failure. Mr. Ahern said “yes” to various degrees of severity and as a contingency plan he has contacted Godwin. Mr. Hempstead asked what the lead time is on getting a rental pump. Mr. Ahern said three to four weeks. Ms. Burns said that she has sent two letters to their warranty manager and they have not been responsive. Mr. Clark asked who is paying for the repairs. Ms. Burns said the WPCA is until everything gets settled. Mr. Hempstead asked how old the pumps are. Ms. Burns said they are a 1 ½ years old and are still under full warranty and had also purchased the extended warranty through Flowserve. Mr. Hempstead asked if a claim has been submitted through insurance. Ms. Burns said “no” Mr. Hempstead suggested that a claim be submitted.
d. Sammis Street Pump Station and Ann St Siphon Project Update (invitation for
collection included)
Mr. Kolb said that on November 7, 2013, that three bids were received for the Sammis
Street Pump station and that Delray Contracting was the lowest responsive and
responsible bidder. He said that the bids were just over $1.46 million dollars. He said
that The Norwalk Land Trust has submitted a letter stating that they are in agreement
that the height restriction of four feet is no longer enforceable and that they would very
much like to work with the WCPA on developing a natural landscaping plan for the pump
station

e. Sewer Use Bill Appeals/Adjustments Update
   1. Appeal Status
      Mr. Kolb said that the adjustments to date are $35,971.

f. Information Copies
   1. OMI Monthly Operating Report- October 2013 (copy included)
      Mr. Kolb reported on the maintenance and said that all the concrete repairs at the
      Wastewater Treatment Plant and the pump stations have been completed. He
      reported on the collection system and said that the force main has been repaired
      at Woodward Avenue. He said for the month of October nitrogen fell in band “D”.

** MR. MCCARTHY MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY
The meeting adjourned at 6:10PM

Respectfully Submitted,

Dilene Byrd
**BID RESULTS**

**Project:** WPCA2013-1 Sammis Street Pump Station Flood Damage Upgrade  
**Date:** Thursday, November 7, 2013 at 2:30 pm

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November 18, 2013

Via Email Only

Nicholas Kipe
Flowsserve U.S., Inc.
5310 Taneytown Pike
Taneytown, MD 21787

Re: Norwalk Water Pollution Control Authority
Main Lift Pumps/Flowsserve Order #S005188

Dear Mr. Kipe:

Please be advised that this firm represents the Water Pollution Control Authority for the City of Norwalk (“WPCA”). If you are represented by counsel, please forward this correspondence to them.

As you are aware, since August, WPCA has made repeated requests for Flowsserve U.S., Inc. (“Flowsserve”) to honor its warranty obligations pertaining to the above referenced pumps. Flowsserve initially denied liability for reasons that were factually inaccurate. In your letter dated October 31, 2013, Flowsserve appeared to maintain its original position but, after WPCA restated its reasons for disputing that denial, on or about November 5, 2013, you indicated that Flowsserve was working on a response. Since then, Flowsserve has not stated a definitive position regarding WPCA’s warranty claim; however, Flowsserve has requested additional information that it knew or should have known. In addition, it is curious that Flowsserve would have issued its first two denials without having done a complete investigation. Nonetheless, one would expect that Flowsserve would now be ready to honor its warranty obligations but it has failed to do so.

The pumps Flowsserve furnished provide a critical function. Because WPCA could no longer wait for Flowsserve to confirm that it would honor its warranty obligations, WPCA has started the process of having the pumps repaired. In addition, WPCA is about to make a determination regarding whether it will be necessary to establish a pump bypass during the repair process. It is WPCA’s hope that Flowsserve will acknowledge its responsibility for the pump repairs and related costs and offer its input and expertise in resolving this unfortunate situation. If not, WPCA will make its own determinations regarding the repair procedures and the precautions that need to be taken – such as establishing a bypass – during said repairs. It will then commence a legal action against Flowsserve to recover any and all costs associated with same.
If Flowserv wishes to resolve this matter without the need for litigation, please give me a call, or if represented, please have its legal counsel give me a call.

Thank you for your prompt attention to this matter.

Sincerely,

Scott S. Orenstein

cc: WPCA
### FOR 2014 99

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**Total Water Pollution Control**
15,942,446 0 15,942,446 5,851,156.20 3,195,566.73 6,895,783.07 56.7%

**Total Public Works**
15,942,446 0 15,942,446 5,851,156.20 3,195,566.73 6,895,783.07 56.7%

**Total Water Pollution Control**
15,942,446 0 15,942,446 5,451,424.20 3,195,566.73 7,295,515.07 54.2%

**Total Expenses**
15,942,446 0 15,942,446 5,451,424.20 3,195,566.73 7,295,515.07 54.2%
November 18, 2013
Michael Stewart, Tax Assessor
Lisa Biagiarelli, Tax Collector
Harold F. Alvord, Director of Public Works
Norwalk City Hall
125 East Avenue
Norwalk, CT 06851

Re: Calculation of Payment in Lieu of Taxes (PILOT)
The Marvin
60 Gregory Boulevard
D/B/L 3-56-12

Dear Messrs. Alvord and Stewart, and Ms. Biagiarelli:

As you may be aware, a question has arisen concerning the calculation of the payment in lieu of taxes ("PILOT"), and the billing of sewer use fees and other fees charged under the fats, oils and grease ("FOG") program for The Marvin. In October, 2008, Under One Roof, Inc., which is the operator of the combined congregate senior housing and child day care facility, questioned the PILOT calculation that it had been using since the facility opened in 1997, and the sewer charges that had been billed and paid since the Water Pollution Control Authority began charging the sewer use fee since 2002.

Initially, the Law Department’s determination was that the PILOT calculation and the sewer charges had been proper. That initial determination was based on sparse records, and the fact that The Marvin calculated its own PILOT obligation every year since it opened. More recently, the Law Department has located various records, including minutes of meetings during which the Common Council and the Council’s Land Use and Building Management Committee discussed, modified and approved the terms of a Cooperation Agreement between the City and 60 Gregory Boulevard Limited Partnership ("60 Gregory"), which is the record owner of the site.

Although the Law Department has been unable to locate records of state agencies that may have had a role in the initial funding of the facility, the responsible state agency has reported that it searched its files and has not found any notes concerning the review of the Cooperation Agreement between Norwalk and 60 Gregory.
This opinion letter is based on the information we have obtained after the Law Department’s initial determination, and therefore supersedes the letters of then Assistant Corporation Counsel Linda Guliuzza dated July 7, 2009 and January 20, 2010. Accordingly, this Opinion Letter constitutes the Law Department’s official interpretation of the Cooperation Agreement between the City and 60 Gregory, dated January 20, 1995 and is issued pursuant to section 63-2(E) of the Norwalk Code of Ordinances.

I. Background

The Marvin is a combined senior congregate housing and child day care facility located in the former Marvin Elementary School site at 60 Gregory Boulevard. The City conveyed title to the site to 60 Gregory following several years of negotiations during the 1990s. The agreement between the City and 60 Gregory contemplates the use of the property as a combined facility, and The Marvin has been operating the facility accordingly.

Under the terms of the Cooperation Agreement, 60 Gregory is obligated to make payments in lieu of taxes to the City. The payments are based on a percentage of “net shelter rent” and 60 Gregory has been making those payments based upon its own calculations since it began operating the facility. The City's Water Pollution Control Authority began charging 60 Gregory sewer usage fees in 2002 and it has been making those payments since that time.

In October, 2008, 60 Gregory raised the question regarding the accuracy of its calculation of the payments in lieu of taxes, and its obligation to pay sewer use fees. Initially, the Law Department determined that the payments had been calculated correctly, and that The Marvin was subject to the sewer use fees. That determination was based upon ten years of undisputed payments based upon 60 Gregory’s own calculations and the lack of historic records pertaining to the agreement with the City. 60 Gregory commenced a lawsuit against the City in 2011, and during the course of that lawsuit additional documents have been located. Although the State of Connecticut has not been able to locate any of its original files, we now have sufficient information to support the conclusions set forth in this letter.

This letter addresses the following questions:

1. How is the payment in lieu of taxes (PILOT) calculated under the Cooperation Agreement and the statutes that pertain to The Marvin?

2. Is 60 Gregory obligated to pay a sewer use fee or charges under the FOG program?

3. Is the City required to credit or refund any overpayments that 60 Gregory paid, and if so, how many years of overpayments should be applied?

These questions are discussed below.
II. **Calculation Of The Payment In Lieu Of Taxes**

The Cooperation Agreement provides that the Congregate Senior Housing facility at 60 Gregory Boulevard is not subject to real property tax. Instead, the facility is subject to an annual payment in lieu of taxes, which is to be calculated as 15 percent of the facility’s “net shelter rent.” The Cooperation Agreement specifies that the agreement was made pursuant to Conn. Gen. Stat. § 8-119k, which, in pertinent part, defines the payment in lieu of taxes as follows:

“a sum to be determined by the municipality with the approval of the Commissioner of Housing not in excess of ten percent of the shelter rent per annum for each occupied dwelling unit; except that the amount of such payment shall not be so limited in any case where funds are made available for such payment by an agency or department of the United States government but no payment shall exceed the amount of taxes which would be paid on the property were the property not exempt from taxation.”

Neither section 8-119k nor the Cooperation Agreement defines the term “net shelter rent.” Conn. Gen. Stat. § 8-113a(k) defines the term “rent” as “the entire amount paid to a local [housing] authority, nonprofit corporation or housing partnership for any dwelling unit.” Under this definition, rent includes base rent and any additional charges for utilities. Section 8-113a(l) defines the term “shelter rent” as “rent” less any charges made by a local [housing] authority, nonprofit corporation or housing partnership for water, heat, gas, electricity and sewer use charges.” Although the definition contained in section 8-113a pertains to “Housing for Elderly Persons,” an obscure sentence in Conn. Gen. Stat. § 8-115g(a), which pertains to “Congregate Housing for the Elderly,” provides that the provisions of Section 8-113a, along with other sections that govern Housing for Elderly Persons, also govern the implementation of the statutes that govern Congregate Housing for the Elderly.¹

The definition of “rent” and “shelter rent” contemplate a resident fee structure that includes a base rent amount plus additional charges for water, heat and other utilities. There is no definition of “shelter rent” that contemplates the situation in which a facility charges a single, gross rent, with no separately itemized charges for utilities.

¹Housing for Elderly Persons and Congregate Housing for Elderly Persons are separate and distinct. The primary distinguishing characterization is that Congregate Housing provides for independent living assisted by congregate meals, housekeeping and personal services. Housing for Elderly Persons is governed by Chapter 128, Part VI of the General Statutes, and Congregate Housing for the Elderly is governed by Chapter 128, Part VII.
Although the statutory definition of "shelter rent" is based on a resident fee structure that breaks out utility charges as separate items, The Marvin's resident billing does not do so. To accommodate The Marvin's billing practice, it is appropriate to allow 60 Gregory to calculate the basis for its PILOT as the difference between its actual rent receipts and its actual utility costs, with no adjustment for an assumed vacancy rate. In addition, the calculation should be based on actual rent for only the congregate senior housing portion of the site, and all utilities for the site, since the Cooperation Agreement does not mention revenue from the child day care portion.

60 Gregory also questioned whether its PILOT should be limited to 10 percent of its shelter rent, instead of the 15 percent that it had agreed to in the Cooperation Agreement. This is based on a provision in section 8-113k that limits PILOT payments to not more than 10 percent of shelter rent. Given the unique history of The Marvin, the 10 percent limit does not apply. Specifically, 60 Gregory acquired the property from the City for "$1.00," instead of fair market value, and The Marvin has been operating a child day care facility, which is not subject to section 8-119k. The additional five percent of net shelter rent should be treated as consideration for the acquisition of the property from the City, and as a payment in lieu of real estate taxes that otherwise might be assessed based upon the child day care use of the property, and payment in lieu of sewer use fees that otherwise might apply to the child day care portion of the facility.²

Based on the above, 60 Gregory's annual payment in lieu of taxes should be calculated as follows:

\[
\text{Actual Annual Rent Receipts During Tax Year} \quad \text{Less:} \quad \text{(Actual Utility Expenses Paid During Tax Year)}
\]

\[
\text{Net Shelter Rent} \quad \text{x 15 percent} \quad \text{Payment in Lieu of Taxes}
\]

²In 1994, during the negotiations between the City and 60 Gregory, a representative of The Marvin's developer acknowledged that there was a statutory ten percent cap on the fee in lieu of taxes, and indicated that the cap might be negotiable. In addition, the Cooperation Agreement should have been approved by the predecessor to the Department of Housing, as required by section 8-119k, and although the State of Connecticut cannot locate the original files for The Marvin, there is no evidence that the State did not approve the 15 percent calculation, especially since The Marvin has qualified for financial support from the State since it opened.
III. **Sewer Use Fees and FOG Charges**

In 2002, when the Water Pollution Control Authority (WPCA) began charging sewer use fees, 60 Gregory was billed according to the WPCA’s billing procedure, and those bills were paid, without question, until 2008. Apparently, the WPCA assumed that The Marvin was subject to the new sewer use fees, the same as properties owned by certain tax exempt organizations.\(^3\) When The Marvin questioned the accuracy of its own PILOT calculations, it also questioned its liability for sewer use fees.

The Marvin is subject to the federally mandated Fats, Oils and Grease (FOG) program because it has a commercial kitchen. Under that program, The Marvin was required to upgrade its grease recovery equipment, and was subject to a fee for inspections. Under the FOG program, commercial kitchen facilities that did not upgrade their equipment by a certain deadline were charged an additional annual fee until they complied. The Marvin has been billed and has paid the FOG related fees. The equipment was upgraded in 2011, and except for inspection fees, the additional fee for noncompliance is not being charged.

Conn. Gen. Stat. § 8-119k, which provides for the payment in lieu of taxes for congregate senior housing properties, reads as follows:

> "In lieu of real property taxes, special benefit assessments and sewerage system use charges otherwise payable to a municipality, an eligible developer . . . shall pay each year, to the municipality in which any of its congregate housing projects for the elderly or congregate housing portions of housing developments receiving financial assistance pursuant to . . . section [section 8-119k, the payment in lieu of taxes] . . . ." (emphasis added)

By its terms, this section exempts eligible congregate senior housing properties from sewer use fees. Unlike properties owned and operated by qualified tax exempt organizations, which are exempt from real property taxation under Conn. Gen. Stat. § 12-81 and other statutes, congregate senior housing properties remain exempt from sewer use fees. The apparent intent of the payment in lieu of taxes is to require congregate senior housing facility operators to make payments to municipalities based on a percentage of shelter rent, rather than real estate taxes and sewer use fees.

Although section 8-119k does not address FOG program fees, it follows that congregate senior housing facilities and other properties eligible for payments in lieu of taxes should be exempt from inspection fees under the FOG program. However, such facilities

\(^3\)Prior to the sewer use fee, the cost of the public sanitary sewer system was included in the mill rate that applied to properties served by the system. As most properties owned tax exempt organizations were exempt from real estate tax, those properties did not contribute the cost of the public sewer system.
should be required to pay any mandated fees for failure to upgrade their grease recovery equipment by the statutory deadline. This does not appear to be an issue with The Marvin, since it upgraded its equipment in 2011.

The child day care portion of The Marvin’s operation should not be required to pay the sewer use fee. Given the unique history of The Marvin, the sewer use fee should be considered as being covered by the 15 percent payment in lieu of taxes. The agreement between 60 Gregory and the City, which was memorialized in the Cooperation Agreement, the Land Disposition Agreement, and minutes of the Common Council, required The Marvin to operate both senior congregate housing and child day care. The agreement was intended to provide for the payment in lieu of taxes as a substitute for real property taxes, which at the time of the agreement, included payment for the municipal sewer system. Coupled with fact that the payment in lieu of taxes is 15 percent of net shelter rent, instead of ten percent, these factors lead to the conclusion that the parties intended that the payment in lieu of taxes would be only annual payment 60 Gregory would be obligated to make to the City.

*Based on the above, The Marvin is not subject to the sewer use fee or any other fees imposed by the WPCA.*

**IV. Overpayments**

There are no statutes governing the overpayment of PILOT payments or sewer use fees. However, Conn. Gen. Stat. § 12-129 provides for refunds of overpayments of real property taxes for which payment was due during the three-year period prior to the date a request is made. Although The Marvin’s situation involves overpayment of its payments in lieu of taxes, section 12-129 is useful in determining the period of time for which overpayments may be refunded or credited. The statute does not provide for interest on overpayments.

The Marvin first requested a refund by letter dated October 27, 2008, and having failed in that request, it commenced a lawsuit against the City in March, 2011. Applying the three-year refund period set forth in Conn. Gen. Stat. Conn. § 12-129, the earliest due date that may be considered in determining refunds or credits is January 1, 2006, which is the first due date after October 27, 2005.

The Marvin’s attorney has informed us that The Marvin is willing to accept a credit in the amount of its prior overpayments, instead of a cash refund. The credit would be equal to the total of excess PILOT payments that were due on and after January 1, 2006, plus all sewer use fees that were due on and after January 1, 2006, and that total would be credited toward future PILOT payments.

Based on the foregoing, the Tax Collector should determine the amount of credit to be applied to future payments based on financial statements showing actual rent receipts for residents of the congregate senior housing portion of The Marvin’s operation, less actual utility payments, in accordance with the formula set forth above, for the payments
that were due on and after January 1, 2006. All sewer use fees due on and after January 1, 2006 and paid by or on behalf of 60 Gregory should be included in the total credit.

The credit and future collection of payments in lieu of taxes should be implemented as follows:

1. The Tax Collector's Office should request documentation of The Marvin's actual rents and utility costs, including sewer use fees, for the applicable overpayment years, and determine the amount of overpayments based on this Opinion Letter. As is the case in settlements of tax appeals by way of credit against future taxes, no action by the Common Council is necessary.

2. The WPCA should take whatever administrative action is necessary to discontinue billing 60 Gregory for sewer use fees.

3. The tax collector's office should continue to accept The Marvin's annual calculation of its payment in lieu of taxes to ensure compliance with this opinion letter, and apply the overpayment credit until exhausted.

4. The determination of overpayment credit should be recorded in the same manner as the settlement of tax appeals.

We trust that the above information will provide sufficient guidance concerning 60 Gregory's financial obligation to the City. Please contact the Law Department if you have any questions.

Very truly yours,

Robert F. Maslan, Jr.
Corporation Counsel

cc: Ian E. Bjorkman, Esq.
    Counsel for The Marvin
December 4, 2013

VIA EMAIL &
REGULAR MAIL.

The Norwalk Hour
Chris Bosak, Editor
1 Selleck Street
Norwalk, CT. 06855

Dear Mr. Bosak,
I attended the public hearing held on December 2, 2013 at the Department of Public Works and conducted by a Hearing Officer of the Connecticut Department of Energy and Environmental Protection. This hearing was the result of a formal petition for a hearing submitted by Norwalk residents. I was pleased to see how much interest there is within the community in our operation of the municipal wastewater treatment plant, and was encouraged by the generally positive things I heard during the public comment portion of the process.

It is clear that the request for the hearing raised some controversy within the community, but overall I believe it was a positive experience. It is my understanding that the reason for the hearing was to receive public comment on whether the DEEP should issue the draft permit, pursuant to the federal and state water pollution control statutes, as written.

What we did hear was that there are many concerns with other aspects of plant operations apart from the national pollution discharge elimination system permit approval. Specifically, these questions focused on what the WPCA is doing to protect the plant from future “Superstorms”; how information about the facility, its operations, its long term plans and facility upgrades is communicated with the residents; how emergency information is disseminated to the community during major disruptive events, as well as other issues that can be categorized under “communications issues”. I thank the residents identifying these concerns, and will follow up with the WPCA board moving forward.

I would also like to remind residents that the WPCA board meets monthly, and that its meetings are open to the public. The WPCA meetings are an excellent forum for addressing targeted issues, and for getting specific operational information from the Public Works Department in response to citizen inquiries.

The Norwalk Wastewater Treatment Facility is a significant asset for the City of Norwalk, and something that its operators and the citizens should be proud of. That does not mean that we, as a Board along with the Public Works Department believe that it is perfect; in fact, we are working hard within the constraints of our budget and federal and state law to improve its operation and have a long term plan
to implement additional upgrades and improvements. We hope that concerned citizens will take advantage of our open meetings to voice their concerns, and their support, for the continued successful operation of this facility.

I look forward to seeing more of you at our upcoming meetings. The schedule can be found at www.wpcanorwalk.org.

Sincerely,

[Signature]

Darren Oustafine
WPCA, Chairman
Because of the nature of our site, and the fact we are two people, we tend to focus on what is happening in terms of issues. In retrospect, perhaps we should have run that one because it is obvious a lot of folks are unaware you exist. But the fact that your last press release was in July and it was issued because you won an award, as opposed to informing the public about what you are doing, kind of goes to the heart of what people are complaining about.

I appreciate the board will get a chance to decide whether to keep the taxpayers more fully informed.

Mark

On Mon, Dec 2, 2013 at 4:20 PM, Burns, Lisa <LBurns@norwalkct.org> wrote:

Hi Mark:

The last press release I sent you in July on the WPCA winning an environmental achievement award (see our website for a copy) yielded no inquiry or mention from NoN – but was run 2X in The Hour and also the Connecticut Post, Daily Norwalk, and the Fairfield County Business Journal (I may be forgetting others...).

Thanks for your input below and I will add a copy of your e-mail to the next WPCA Board meeting for their consideration on December 16th.

Regards,

Lisa
Hi Lisa,

Regarding your meetings and agendas, why not take a minute or two each month and send a press release to all media outlets --- us, The Hour, The Daily Voice, Patch, News 12, the Citizen, and any others I am forgetting --- with one paragraph telling us when and where and what the prime topic will be, and, if available, an attached agenda. I know it is on the city website, but my guess is you would be hard-pressed to find more than a couple hundred people who even know the WPCA exists, let alone what it does or how to find out about it.

On the other hand, people who care about such things tend to read local news outlets, and a couple minutes a month would mean thousands of people getting information they would not otherwise get, and perhaps becoming more educated about the issues. And, given the fact that those thousands of people are paying the freight, they really do deserve the information.

This is something that needs to be considered throughout the city --- WPCA is hardly alone in this. Perhaps in the new era of transparency and civility, more emphasis will be placed on letting the public know what's going on and less on belittling those who come seeking info and answers.

Thanks,

Mark Chapman, editor

NancyOnNorwalk.com
1. **Plant Activities**

   **A**  
   **Maintenance**
   
   **Major Items Completed**
   - Removed and sent influent pump #5 for repairs
   - Alpine cleaned north and south wet wells
   - Repaired impellers on grit pumps #1 and #2
   - Installed influent pump #1

   **Work orders/MC**
   - This Month: 410
   - Last Month: 416
   - Ending WO backlog: 90

   **B**  
   **Violations**
   
   **Permit Monthly**
   - NONE

   **Performance Guarantee**
   - None

   **C**  
   **Training**
   
   **Safety Tailgates**
   - Working Safely with Ladders #3020
   - Safe Ladder Usage Handout
   - BLR Handout on Ladders

   **Other**
   - Hercules Score Paste Flux MSDS w/ quiz
   - HOC 22 MSDS w/quiz
   - Gold Rush Mechanics Soap MSDS w/quiz

2. **Collection Systems**

   **A**  
   **Pump Stations**
   
   **MRR Repairs/Upgrades**
   - Replaced pump at Five Mile P.S.

   **B**  
   **Collection System**
   
   **Spill / Overflow Reports**
   - 200 g. sewage spill on private property 108 New Canaan Ave.
   - 50 g. Sewage spill @ 15 Bouton St. due to blockage
   - 100 g. Sewage spill @ Ely Ave. due to blockage. All reported and cleaned up

   **MRR Repairs/Upgrades**
   - CCTV Miles
   - Cleaning Miles
   
   - CY06, 6/1/05-5/31/06: 45.93
   - CY07, 6/1/06-5/31/07: 45.76
   - CY08, 6/1/07-5/31/08: 38.71
   - CY09, 6/1/08-5/31/09: 51.97
   - CY10, 6/1/09-6/30/10: 45.23
   - CY11, 7/1/10-6/30/11: 38.36
   - CY12, 7/1/11-6/30/12: 38.29
   - CY13, 7/1/12-6/30/13: 85.50

   - Last Month: 5.52
   - This Month: 13.96
   
   - Last Month: 9.80
   - This Month: 4.90

   ![Image](6.1.1)
3 Personnel

A Number of Associates / Wastewater Operator Certifications

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<tr>
<th>Category</th>
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<th>Certification</th>
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<td>Total Personnel</td>
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<tr>
<td>Operations</td>
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<td>Class II 3</td>
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<td>Class I 3</td>
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<td>Turnover</td>
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B Changes

None

4 Safety

OSHA Recordable Incidents None
Lost Time Incidents None

5 Total Nitrogen Performance

Avg. Influent Wastewater Temp. (°C) 19
Avg. BOD Loading (lbs/day) 17,266
Actual TN Performance (lbs/day) 400
Lookup Value (lbs/day) 832
Actual minus Lookup (lbs/day) -432
TN Performance Band D
Uncontrollable Circumstances None
Operational Review Findings All equipment online
SOP Status Winter Operations Mode

Summary of Findings Inventory at targets.

Description of Ranges/Bands

Expected Operating Range
- Band A
- Band B
- Band C
- Band D

Actual TN (aTN), Lookup Value (LV)
- aTN between 1 and 175 lbs/day less than LV
- aTN between LV and up to 117 lbs/day in excess of LV
- aTN between 118 and 234 lbs/day in excess of LV
- aTN greater than 234 lbs/day in excess of LV
- aTN 176 lbs/day less than LV

6 Miscellaneous

Regulatory Inspections None
Storm Flow Events None
# Meeting Schedule – Calendar Year 2014

Public Works Center (Second Floor Conference Room), 15 South Smith Street

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<thead>
<tr>
<th>Day</th>
<th>Date</th>
<th>Notes</th>
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<tr>
<td>Monday</td>
<td>January 13</td>
<td>3rd Monday is Martin Luther King’s Day</td>
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<tr>
<td>Monday</td>
<td>February 24</td>
<td>3rd Monday is President’s Day</td>
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<tr>
<td>Monday</td>
<td>March 17</td>
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<td>April 21</td>
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<td>Monday</td>
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<tr>
<td>Monday</td>
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WATER POLLUTION CONTROL AUTHORITY
a/o November 26, 2013

Members

Darren Oustafine, Chairman
9 Brookhill Lane
Norwalk, CT 06851
(203) 846-6750 (H)
(203) 656-7365 (W)
Doustafine@darienct.gov
Term expires: 11/19/15

Harry Rilling (Mayor)
go Norwalk City Hall, 125 East Avenue
Norwalk, CT 06851
(203) 854-7701 (W)
hrilling@norwalkct.org
Term expires: 11/19/15

Lewis W. Clark, Vice Chairman
24 Creeping Hemlock Drive
Norwalk, CT 06851-1015
(203) 846-2762 (H)
Lewiswc2002@yahoo.com
Term expires: 4/1/14

Douglas Hempstead (Council President)
116 Chestnut Hill Road
Norwalk, CT 06851
(203) 642-4186 (H)
(203) 952-6311 (C)
dhempstead@hotmail.com
Term expires: 11/19/14

Mark Berns
25 Buckingham Place
Norwalk, CT 06851
(203) 852-0545 (H)
(203) 247-6369 (C)
miberns@gmail.com
Term expires: 4/1/14

Friedrich Wilms (BET Chair)
50 Aiken Street, #26
Norwalk, CT 06851
(203) 856-4773 (H)
(203) 291-6748 (W)
(203) 291-6972 Fax
fwilms@websterbank.com
Term expires: TBD

Frederika Bikakis-Hajian
73 Fort Point Street
Norwalk, CT 06850
(203) 838-0510 (W)
(203) 831-9250 Fax
fhajian@aol.com
Term expires: 4/1/16

Galen Wells (Minority Caucus Alternate)
224 West Norwalk Road
Norwalk, CT 06850
(203) 866-9045 (H)
(203) 515-7410 (C)
gwwells@optonline.net
Term expires: 11/19/15

Ex Officio Members

David T. McCarthy (PWC Chair)
38 Nearwater Road
Norwalk, CT 06853
(203) 838-4665 (H)
(203) 807-8818 (C)
dtmccarthy@optonline.net
Term expires: 11/19/15

Tom Hamilton
Finance Director
thamilton@norwalkct.org

Hal Alvord
Public Works Director
halvord@norwalkct.org

Others on email distribution group

Lisa Burns lburns@norwalkct.org
Ralph Kolb rkolb@norwalkct.org
Cathy Mallon cmallon@pirnie.com
John Ahern John.Ahern@ch2m.com