AGENDA

DATE: Monday, November 18, 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 October 21, 2013 (copy included)

3. Authorize the Chairman or 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).

   Account No. 224062 5298 (Operating Funds)

4. Act on Connection Fee Appeal – Waypointe Project (letter included)

5. Reports:
   a. FY13/14 Revenues/Expenditures Report (copy included)
   b. Draft NPDES Permit Status (CTDEP letter included)
   c. WWTP Main Lift Pump Status (letters included)
   d. Sammis Street Pump Station and Ann St Siphon Project Update (Norwalk Land Trust letter included)
   e. Sewer Use Bill Appeals/Adjustments Update
      1) Appeal status
   f. Information Copies:
      1) OM Monthly Operating Report – October 2013 (copy included)

6. Adjournment

Next WPCA Meeting: Monday, December 16, 2013
5:30 PM
Second Floor Conference Room, Public Works Center
15 South Smith Street
CITY OF NORWALK
WATER POLLUTION CONTROL AUTHORITY
October 21, 2013

Attendance: Darren Oustafine, Chairman
Lewis Clark, Vice Chairman
Dave McCarthy
Galer Wells
Doug Hempstead

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

Others: John Ahern, CH2M Hill, OMI, INC.
Ed Hynes

1. CALL TO ORDER

Chairman Oustafine called the meeting to order at 5:38PM

4. REPORTS

a. FY12/13 Revenues/Expenditures Report (MUNIS report included)
Mr. Kolb said that overall everything is tracking as anticipated, and that $181,000 has been collected in septage disposal fees to date this fiscal year. He said that some of that was monies that should have gone into last fiscal year but due to Kaiser-Battistone’s late payments those monies were deposited into this fiscal year.

b. Draft NPDES Permit Status (petition letter included)
Ms. Burns said that staff has submitted the NPDES permit renewal application to the DEEP to operate the Wastewater Treatment Plant in 2010, and the State recently issued a draft permit and staff has been negotiating the permit. She said that the DEEP had advertised a notice of tentative determination and in doing so they have received a public notification, and the petitioner gathered the required number of signatures to have a hearing on the issuance of the permit. She said that the petitioner is Diane Lauricella and she is representing those that signed the petition, and that they have no stated issue. She said that this has now triggered a lengthy adjudication process because they are not an interested party, and under the Connecticut statute they are not a party to the matter and the way the petition was filed it cannot be withdrawn and now needs to go through the entire adjudication process. She said that staff has a meeting scheduled for tomorrow with the Attorney and that the burden of proof in now on the applicant and now need to prove that the permit should be issued. Mr. McCarthy asked in the end what the cost will be between staff time and outside counsel. Mr. Alvord said that is unknown at this time and that according to the DEEP they have never seen this in the time that they have been there and that they will also need to retain outside counsel.
c) WWTP Main Lift Pumps Failure (letters included)
Mr. Kolb said that on September 6, 2013, he received a letter from Flowserve and it stated in their conclusion that based on the information that the pump station found the pumps air bound and that they also had an issue with their wet well level system malfunctioning and it is apparent that the pump that was inspected ran dry for an extended period which caused the primary mechanical seal to catastrophically fail and allowed the coolant system to be contaminated with sewage, and that Flowserve does not consider this to be a warranteable claim and will not cover the charges for the repair of the pumps. Ms. Burns said that each time a pump needs to be taken out it requires a crane and is approximate $3,000 each way, and the first pump repair cost is almost $40,000 and that the pumps are only 1-1/2 years old and should be covered under the full warranty. She said that she had called Mr. Wantz who is with their warranty group and he has never returned her call and she cannot get answers from anyone. She also said that the main lift pump has been at their facility since August and that staff has been in contact with the Attorney and that he had helped craft a letter to Flowserve and Mr. Kolb had obtained the SCADA data showing that the pumps could have never run dry because the wet well levels were never down, and that their premise was flawed and that they should cover these pumps under warranty and that they have not responded. She said in receiving no response staff is now looking at going into litigation and will have the pumps repaired at a cost of approximately $300,000. She said that she will also be retaining CDM Smith based on time and material, and that she has spoken to a pump expert who if needed will be providing testimony during litigation and that they will be going to look over the pump before it gets repaired to protect the position. Mr. Outstine asked if the pumps are proprietary. Ms. Burns said that they could be. Mr. Outstine asked if there is anyone else that can work on a Flowserve pump who is independent of them. Ms. Burns said that would void the warranty and that extended warranties were purchased. Mr. Clark asked if there is any contingency plan if the pumps are not available. Ms. Burns said that the State has been notified. Mr. Ahern said that bypass pumping can be set up. Mr. Kolb said that it can be set up pump that it takes time to get the pumps or site.
Mr. Hempstead arrived at 6:00PM

d. Sammis Street Pump Station and Ann St Siphon Project Update (invitation for construction included)
Mr. Kolb said that there was a mandatory pre-bid meeting held on October 17, 2013, and that the project is now out to bid and that the bids are due back on November 7, 2013. Mr. Hynes asked if the easements will be discussed in the executive session. Ms. Burns said that all the land records were reviewed by the Attorney and that they believe the pump station as is on the plans complies with all the existing land record requirements and that there is no reason the pump station cannot be constructed as presented on the plans. Mr. Hynes asked if he can receive that in writing because it seems to him in reading the records that it is obvious there is an easement that needs to be respected. Ms. Burns said that the Attorney stated that the WPCA has reviewed the matter and believes the construction of the Sammis Street Pump Station is in accordance with all
legally enforceable obligations. Mr. Hynes requested that be sent to him in writing. Ms. Burns said that she had previously e-mailed that to him but that she will resend it.

e. GIS Position- Steven Birney
Mr. Alvord said that 75 applications were received, 35 were deemed qualified by the Personnel Department and that 4 were selected to be interviewed. He said that the position was offered to Steven Birney who is currently the GIS analyst in Newtown. He said that he will start on November 12, 2013, and that he comes highly recommended.

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

g. Information Copies
   1. OMI Monthly Operating Report- September 2013 (copy included)
      Mr. Kolb reported on the maintenance and said that there was an HVAC repair in the secondary building. He reported on the pump stations and said that the pump was rebuilt at the Devils Garden pump station, and that the rental generator at the Sammis Street pump station has been sent out to be repaired. He reported on the collection system and said that AJ Penna had replaced 26' of clay pipe at Bettswood Road.

2. APPROVE THE MINUTES FROM WPCA MEETING HELD ON SEPTEMBER 16, 2013
   (COPY INCLUDED)
Mr. Oustafine said on Page 1, Item 3, to change “approve the minutes” to Approve Item 3”
Mr. Oustafine said on Page 2, Item 4, to change “Reccondation” to “Recommendation”
Mr. Oustafine said on Page 2, Item 4, to change “approve the minutes” to Approve Item 4”
Mr. Oustafine said on Page 3 Item 5, to change “at” to “and”

** MR. MCCARTHY MOVED TO APPROVE THE MINUTES AS AMENDED
** MOTION PASSED UNANIMOUSLY

3. AUTHORIZE STAFF TO RETAIN CDM SMITH FOR PROFESSIONAL SERVICES RELATED TO POTENTIAL LITIGATION FOR A SUM NOT TO EXCEED $7,500 IN ACCORDANCE WITH EMAIL DATED OCTOBER 18, 2013. (EMAIL ATTACHED)

** MR. MCCARTHY MOVED TO APPROVE THE ITEM
** MOTION PASSED UNANIMOUSLY

5. EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION WITH FLOWSERVE ABOUT MAIN LIFT PUMPS FAILURE

** MR. MCCARTHY MOVED TO ENTER INTO EXECUTIVE SESSION
** MOTION PASSED UNANIMOUSLY
Executive session began at 6:25PM
No action was taken.
6. EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS RELATED TO THE SAMMIS STREET PUMP STATION RECONSTRUCTION

Executive session ended at 6:40PM
No action was taken

7. ADJOURNMENT

** MR. WILMS MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY
The meeting adjourned at 6:45PM

Respectfully Submitted,

Dilene Byrd
Ms. Elisabeth Burns, P.E.
DPW Operations Manager
City of Norwalk
125 East Avenue
Norwalk, Connecticut 06851-5125

Subject:
Year 2013-2014 Contract Operations Monitoring Services

Dear Ms. Burns:

ARCADIS U.S., Inc. is pleased to provide our proposed scope of services and estimated budget for continued assistance to the Water Pollution Control Authority (WPCA) in monitoring the Wastewater Treatment System Service Agreement (Agreement) between the City of Norwalk and Operations Management International, Inc. (OMI). The purpose of the contract monitoring services is to provide an assessment of OMI's operations and asset management practices, assistance to the City with continued amendment negotiations and discussions with OMI, and as-needed technical assistance as requested by the City.

The proposed services will supplement the City's in-house resources by providing specialized services to support the contract monitoring activities and planned amendment negotiations to the Agreement. The proposed scope provides for field inspections and delivery of an annual performance evaluation report for Contract Year 14 (July 1, 2013 through June 30, 2014), including conducting and documenting the fourth equipment condition audit per the Agreement. This condition audit is particularly important as it documents the initial asset condition for the CSO/Wet Weather Preliminary Treatment System placed into service in March 2012.

The enclosed proposed scope of services and budget have been formatted as Schedules A and B of the WPCA's agreement for contract monitoring services. In accordance with the payment structure requested by the WPCA, ARCADIS has prepared a budget on a lump-sum by task basis.
We appreciate the opportunity to continue to work with the WPCA for the City of Norwalk on this project and support its initiatives for the long-term preservation of its wastewater system assets. If you have any questions regarding the enclosed, please do not hesitate to contact us.

Sincerely,

ARCADIS U.S., Inc.

[Signature]

Catherine Mallon Traynor
Vice President

Copies:
Im/enclosures
SCHEDULE A
SCOPE OF SERVICES FOR CITY OF NORWALK
2013-2014 CONTRACT MONITORING SERVICES

ARCADIS U.S., INC. (ARCADIS) will assist the Water Pollution Control Authority (WPCA) for the City of Norwalk with contract monitoring of the Contract Operator’s (Operations Management International’s (OMI’s)) performance relative to the Wastewater Treatment Service Agreement (Agreement) with the City of Norwalk. Specifically, our approach and scope of services focuses on the long-term preservation of the WPCA’s wastewater treatment assets and continuous improvement of the City’s arrangement with OMI. Our proposed services include:

- Providing periodic auditing, inspection and performance monitoring of OMI relative to the requirements of the Agreement
- Acting as the owner’s representative in contract negotiations
- Providing engineering and technical assistance to the WPCA as-requested to support the WPCA’s needs. These may include but are not limited to the following:
  - Providing specialized engineers to assist the WPCA with third-party reviews of proposed capital improvement designs and address any System concerns
  - Providing technical, contractual and financial assistance to the WPCA to analyze contract operations issues

The services as outlined in this Schedule A are structured to support the WPCA’s goals and objectives for a continued successful partnership with the City’s contract operator, OMI.

Contract Monitoring Services

ARCADIS will assist the City to monitor OMI’s performance in specific operational areas with respect to contract compliance. Below is a description of the specific activities to be rendered under these services:

A. Field Inspections and Monitoring Services: ARCADIS will conduct the annual inspection of the WPCA’s wastewater treatment facility (WWTF) in accordance with Article V – Section 5.15 of the City and OMI Agreement. We will continue to work closely with the WPCA to coordinate inspection activities focusing on the specific prioritized areas including the new Headworks treatment area commissioned in March 2012.

The focus of this inspection will be to provide an assessment of general equipment conditions and operation of the various WWTF treatment systems and report the adequacy of OMI’s repair and replacement activities for the long-term preservation of the City’s assets. The annual inspection will be performed by two ARCADIS individuals with the required expertise to focus on the prioritized areas. It is envisioned that the inspections will consist of up to four days on-site to conduct the WWTF equipment condition and operation inspection, and review in detail the computerized maintenance management system (CMMS) data.

ARCADIS will perform inspections of up to 5 prioritized pump stations as part of the annual inspection. It is envisioned that the pump station inspections will be performed by two ARCADIS individuals on-site for one day. The prioritized pump stations will be selected in conjunction with City and in support of the City’s separate pump station inspection program. Our services will be to support the City and provide specialized expertise.
ARCADIS will gather and analyze the facility’s permit and operating data (as collected by OMI) to report on operation performance trends and support field inspection observations. This data analysis, along with our field observations will be presented to the WPCA in our preliminary findings report. We will conduct an on-site review of our preliminary report findings with both WPCA and OMI personnel. It is envisioned that up to two experts with detailed knowledge of the System’s present and past performance as well as the Agreement language requirements will attend (as deemed necessary by the WPCA). Revisions to our preliminary findings will be performed as necessary and ARCADIS will prepare and issue a summary report (Report) presenting our observations and areas for improvement. The Report will include an executive summary highlighting the results of the inspection.

**Deliverables:**

- Draft and Final Wastewater Treatment System Performance Evaluation (Annual) Report

**B. Equipment Condition Audit:** Under this task, ARCADIS will conduct a fourth equipment condition audit in accordance with Section 5.15(a) of the Agreement. As referenced in Section 5.15(a) of the Agreement, an equipment condition audit (Audit) is to occur at 4-year intervals over the 20-year contract period. The initial Audit was performed by ARCADIS in fiscal year (FY) 2002 to prepare the initial inventory “baseline”, input the historical data, developed equipment condition ratings, assigned equipment criticality factors, and conducted desktop data reviews and on-site field inspections using a variety of criteria developed specifically for this application. Update Audits were also conducted by ARCADIS in FY 2006 and FY 2010. In accordance with the Agreement, the next Audit is due during this contract period (FY 2014).

The periodic audit employs a more detailed evaluation of individual pieces of equipment regimen that enables the City to confirm at regular intervals the adequacy of equipment maintenance and replacement of its wastewater assets. In this FY 2014 Audit, we propose to update and document the condition of the equipment outlined in the previous Audit, denote in the Audit tables the equipment recently decommissioned and/or removed, and also add the equipment installed and commissioned as part of the CSO/Wet Weather Preliminary Treatment System capital improvement project. The initial baseline condition for this newly installed equipment will be documented. To facilitate this work, we request that a list of the newly installed assets be provided for inclusion in the Audit tables prior to the on-site work. We anticipate that such an asset list may be exported from the System’s computerized maintenance management system. We anticipate using the equipment condition rankings previously established for the FY 2010 assessment.

The focus of this activity will be to support the City’s asset management initiative and the potential Amendment to the Agreement related to major repair and replacement (MRR). The Audit will be performed concurrent with the on-site inspections performed as part of the annual performance assessment (Task A) at the WWTF and pump stations. Similar to FY 2002 and 2006, the results will be compiled and presented within the Annual Report.

**Deliverables:**

- Tabular summary of equipment rankings
- Draft and final audit report for inclusion in the Annual Performance Evaluation Report pertaining to equipment condition audit

**C. Assistance with Amendment Negotiations:** ARCADIS proposes to continue to assist the WPCA for the City of Norwalk with amendment negotiations of the Agreement between the WPCA and its contract operator (OMI) following the implementation of CSO/Wet Weather
Treatment & Capacity Capital Improvement Project (CIP) and in anticipation to several planned CIPs for the WWTF. ARCADIS has begun to consult with the WPCA regarding OMI’s request for negotiations of annual fee adjustment for operations and maintenance of the new Headworks equipment (commissioned in March 2012).

We envision working with the WPCA to evaluate and respond to any contract language or fee adjustment negotiation requests and provide input with respect to technical contract issues, such as:

- Appropriate threshold limits for City-paid versus company paid maintenance, repair and replacement
- Interrelationship among capital and operational requirements
- Incentives and caps relative to electricity generation, sludge management, and chemical consumption
- Role of contract operator in an asset management program
- Performance-based versus means and methods-based contractual requirements
- Appropriate effluent guarantees

Under this task, ARCADIS will continue to assist the WPCA with developing negotiating strategies, analyzing the risk allocation with proposed modifications, identifying current industry standards and reviewing proposed modifications submitted by OMI. Based on the results of the negotiation sessions, ARCADIS will work with the City’s legal counsel to prepare the contract amendment. ARCADIS will take the lead on technical issues and prepare the appropriate technical terms and provisions. ARCADIS, at the request of the WPCA, proposes to prepare for and participate in up to 2 negotiation meeting to help evaluate proposed modification and refinement to the Agreement. All negotiation services will be provided solely at the direction and request of the WPCA.

For budgeting purposes, we propose a budget of $20,000 for this task.

Deliverables:
- Memorandum, including matrices of risk allocation, to provide recommendations and strategy suggestions to support the WPCA with amendment negotiations
- Preparation and participation at up to 2 meetings

D. On-Call Technical Services: As requested by the WPCA, ARCADIS will provide periodic “on-call” consultations and review of technical information to support the WPCA’s capital projects, operational needs, and overall asset management program. ARCADIS will assist the WPCA’s in-house resources by providing specialized area experts to support the WPCA’s needs in conjunction with historical knowledge of the WWTF and collection system design and operator, on an as needed basis. ARCADIS is prepared to provide remote and on-site assistance in order to best assist the WPCA.

Under this Task, ARCADIS will continue to support the Quarterly Microbiological Reports conducted by Dr. Michael Richard.

For budgeting purposes, we propose a budget of $25,000 for this task.

Deliverables:
- Technical assistance and detailed memorandum of findings as outlined in the individually approved scope of work.
SCHEDULE B
COMPENSATION FOR SCOPE OF SERVICES

CITY OF NORWALK
2013-2014 CONTRACT MONITORING SERVICES

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<td>B. Equipment Condition Audit</td>
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Notes:
\(^{(1)}\) Includes labor and expenses.
November 12, 2013

Darren Oustafine, Chairman
Water Pollution Control Authority
15 South Smith Street
Norwalk, CT 06855

RE: Request for a Waiver of Sewer Connection Fees for the West Avenue Waypointe Project

Dear Mr. Oustafine;

At the Norwalk Redevelopment Agency Meeting of October 22, 2013, the Commissioners voted to approve the submittal of a request to the Water Pollution Control Authority for a waiver of the Waypointe project sewer connection fees not to exceed a maximum value of $250,000 as permitted in a memo dated February 28, 2007 acknowledging possible consideration for such exemptions for certain extraordinary economic development projects. The Waypointe project Phase I and Phase II are certainly transformative for the West Avenue corridor both visually and in economic impact. The project currently is providing significant employment opportunities in the construction of 458 residential units, of which 10% or 46 will be affordable, and approximately 59,527 square feet of retail. This represents over $130 million in new investment which will result in approximately $1.5 million in annual incremental tax revenue to the City.

Over the recent decades, the West Avenue Corridor has struggled to become regionally competitive for new development. Providing some immediate relief from the sewer connection fees in an amount not to exceed $250,000 for the emerging Mid Block and North Block segments of the Waypointe project is an indication of the significance that the City places on establishing West Avenue as a proven mix-use development neighborhood with the potential to attract additional new investment.

The Agency Commission thanks the Water Pollution Control Authority for consideration of this request.

Sincerely,

Félix Sereno
Chairman
### For 2014

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<td>15,942,446</td>
<td>3,081,234.01</td>
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<td>9,216,867.17</td>
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<td>15,942,446</td>
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<td>9,216,867.17</td>
<td>42.2%</td>
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<tr>
<td>TOTAL WATER POLLUTION CONTROL</td>
<td>15,942,446</td>
<td>0</td>
<td>15,942,446</td>
<td>3,081,234.01</td>
<td>3,644,344.82</td>
<td>9,216,867.17</td>
<td>42.2%</td>
</tr>
<tr>
<td>TOTAL EXPENSES</td>
<td>15,942,446</td>
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<td>3,081,234.01</td>
<td>3,644,344.82</td>
<td>9,216,867.17</td>
<td>42.2%</td>
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</table>

** END OF REPORT - Generated by Dilene Byrd **
November 6, 2013

Mr. Ralph Kolb, P.E.
Wastewater Systems Manager
Norwalk WPCA
15 South Smith Street
Second Floor
Norwalk, CT 06855

RE: Notice of Tentative Determination/Public Comment
Draft NPDES Permit
Permit ID No. CT0101249
Facility ID No. 103-001

Dear Mr. Kolb:

The Department of Energy and Environmental Protection ("DEEP") is in receipt of your public comment letter dated September 4, 2013. We offer the following answers to the comments/revisions that you presented in the order they were presented.

1. PAGE 1, Permittee – address correction. The address will be updated.

2. PAGE 6, SECTION 6(A)(8) – the paragraph is not inconsistent with EPA guidelines and will be left as is.

3. PAGE 7, SECTION 6(B)(1)(b) – The word “Acute” was added before the words “Aquatic Toxicity” as requested.

4. PAGE 7, SECTION 6(C) – Norwalk WPCA requested that the criteria be removed from the permit and monitored through the Department of Agriculture/Aquaculture program. This standard language is required due to changes in the water quality standards and will not be removed from the permit.

5. PAGE 8, SECTION 7(D) - Norwalk WPCA requested that the criteria be removed from the permit. This requirement will not be removed from the permit as it is the current standard permit language.

6. PAGE 9, SECTION 8(C) – A number of comments concerning the definition of bypass and when to report. The Norwalk WPCA is referred to the Guidance Memo, dated March 15, 2010, and Bypass Forms located on DEEP’s website at: www.ct.gov/deep/municipalwastewater

7. PAGE 10, SECTION 9(A)(3) – Norwalk WPCA wanted the description changed. DEEP has changed it to read; “chlorine disinfected microscreen treated excess combined sewer wastewater”.

5b
8. Page 11, SECTION 9(A)(5)(b) – Norwalk WPCA wants the paragraph deleted in its entirety. DEEP reiterates that discharge from 002-1 shall not contain septage or holding tank waste. In other words, septage is NOT to be accepted during a bypass event.

9. PAGE 11, SECTION 9(A)(5)(c) – Norwalk WPCA wants the paragraph deleted in its entirety. The sentence has been reworded to include combined discharge data from 001-1 and 002-1. The WPCA has never been allowed to violate the State Water Quality Standards. This sentence reiterates that point.

10. PAGE 11, SECTION 9(A)(7) – Norwalk WPCA wants the paragraph deleted in its entirety. DEEP will not be removing this requirement as it is standard permit language for all CSO permits. DEEP has extended the deadline from December 31, 2013, to a June 30, 2014 due to the Hearing process delaying issuance of the permit.

11. TABLE A-1 – requests to change descriptions completed for (a) and (b) to match 7 above and (c) to “Outfall 002-1” as requested.

12. TABLE B – FOOTNOTE 3 – Language changed as requested.

13. TABLE C – DEEP will not be removing “Phosphorous, Total” from the table as requested. This is a standard water quality permit requirement.

14. TABLE C-1 – Language changed to match 7 above as requested in (a), however, DEEP will not be removing “Phosphorous, Total” from the table as requested in (b) as this is a standard water quality permit requirement.

15. TABLE E – DEEP will not be removing “Phosphate, Ortho” and “Phosphorous, Total” from the table as these are standard water quality permit requirements.

16. DATA TRACKING AND TECHNICAL FACT SHEET – the process wording has been updated as requested.

Thank you for your comments on the draft permit. Feel free to contact me if you have any questions.

Sincerely,

[Signature]

Ann A. Straut-Esden, Sanitary Engineer 3
Planning and Standards Division
Bureau of Water Protection and Land Reuse

cc: Lisa Burns, Public Works
October 30, 2013

Bill Wantz
Flowserve Warranty Group
Flowserve U.S., Inc.
5310 Taneytown Pike
Taneytown, MD 21787

Re: Norwalk Water Pollution Control Authority (CT)
Main Lift Pumps / Flowserve Order #5005188

Dear Mr. Wantz:

I have not received any response to my October 8, 2013 letter regarding Flowserve U.S., Inc.'s wrongful denial of a warranty claim pertaining to the City of Norwalk's Water Pollution Control Authority's (WPCA) wastewater treatment facility main lift pumps (the "Pumps").

In light of the foregoing, please be advised that WPCA is moving forward with all necessary repairs to the Pumps, specifically Pump Numbers 1 through 6. WPCA is being forced to take this action due to Flowserve's lack of response. Because the failure of the Pumps could potentially result in substantial property damage, WPCA cannot afford Flowserve U.S., Inc. ("Flowserve") any additional time to honor its contractual and/or warranty obligations.

As previously stated, WPCA will resort to any and all legal remedies that it has available to recover its damages. WPCA expects the cost to repair the Pumps will be approximately $300,000. In addition to the aforesaid pump repair costs for which Flowserve may be held liable, WPCA will also make claim for its attorneys' fees and costs.

If Flowserve is interested in resolving this matter without the need for litigation, please give me a call.

Sincerely,

Lisa Burns, PE
Assistant Director

C: Ralph Kolb, WPCA
   Jim DeLuca, Aqua Solutions
   Nicholas Kipe, Flowserve
   Brock Graham, Gilbane

John Ahern, OMI
Scott Orenstein, Esq., UKS
WPCA Board
November 4, 2013

Nicholas Kipe
Supervisor, Warranty & Repairs
Flowserve Warranty Group
Flowserve U.S., Inc.
5310 Taneytown Pike
Taneytown, MD 21787

Re: Norwalk Water Pollution Control Authority (CT)
Main Lift Pumps / Flowserve Order #5005188

Dear Mr. Kipe:

I am writing in response to your letter dated October 31, 2013. If I understand your position correctly, Flowserve U.S., Inc. ("Flowserve") is maintaining its denial of City of Norwalk’s Water Pollution Control Authority’s ("WPCA") warranty claim pertaining to the wastewater treatment facility main lift pumps with regard to Pump #1 and is reserving judgment on the remaining pumps until they are inspected by AEM. Please be advised that WPCA considers Flowserve’s position unacceptable and a breach Flowserve’s warranty obligations for the reasons previously stated and set forth below.

THE PUMPS DID NOT RUN DRY. Your October 31, 2013 letter once again sets forth the false assertion that the pumps ran dry. Specifically, your letter states that “[b]ased on inspection of the first unit, the reason for failure is a catastrophic failure of the lower (primary) mechanical seal. The failure on the first unit appears to be due to dramatic temperature swings that typically can only occur when the pump is running dry for a period of time.” However, Flowserve has not provided any factual data evidencing that the lower mechanical seal could only fail as a result of the pump running dry for an extended period of time. Conversely, WPCA previously provided irrefutable evidence (SCA&A wet well level data) that Pump #1 never ran dry except for a less than 4 minute period when it failed on August 27, 2013. In addition, there do appear to be other potential causes of the mechanical seal failure. For example, the failed mechanical seal (now in CDM Smith’s possession) does not appear to be a John Crane 5610 cartridge seal as approved in the shop drawing submittal.

Furthermore, the assertion in your October 31, 2013 letter that Flowserve is only potentially liable for “the amount left on the pro-rated warranty for these units” is incorrect. The pro-rated warranty period did not start until September 22, 2013. The pumps failed on or before August 27, 2013. Therefore, WPCA is entitled to 100% coverage for the pump repairs.

Moreover, the fact that the lower, primary mechanical seal can fail without warning or alarm and the pumps can continue to operate until either catastrophic failure or upon manual discovery of contaminated glycol is a design defect. Comparable pumps have provisions for the pump to shut down upon failure of the primary seal (prior to
catastrophic pump failure). With Flowserve’s design as it acknowledged in previous correspondence, both the lower and upper mechanical seals must fail (catastrophic pump failure) before the moisture sensor, if installed properly, is triggered. At the point this alarm triggers, it is useless because the pump has already completely failed without providing an opportunity to respond. Further, if the lower seal fails and the pump continues to operate, the only other alarm that may trigger is the high temperature alarm; however, the location of the high temperature alarm is in the upper motor casing and the furthest point from the mechanical seals rendering it useless for detecting mechanical seal failure.

Finally, with all due respect, WPCA does not believe that Flowserve understands the urgency of this failure despite the statements in your October 31, 2013 letter to the contrary. WCPA cannot as you recommend send “the other failed units . . . to AEM for complete inspection and failure analysis.” WPCA requires five of the six pumps to operate at peak flow. Thus, sending additional pumps for simultaneous repair is not an option. As you are aware, Pump #1 is still at AEM and the remaining five pumps are in various states of operability.

In light of the foregoing, WPCA cannot guarantee that it will be able to pump peak flows with the Flowserve pumps and, therefore, in order to stay in compliance with its operating permit, WPCA has hired Godwin pumps to set up a temporary bypass should it be needed in times of wet weather events or if one or more additional pumps fails. Therefore, in addition Flowserve’s obligations to repair the failed pumps, WPCA intends to hold Flowserve liable for the extra costs incurred for the temporary pump system that must remain until all six pumps are repaired.

Please provide your immediately response to WPCA’s demand that Flowserve repair all six pumps under the terms of the warranty in addition to providing a copy of Dave Lynch’s inspection report that was previously requested.

Sincerely,

[Signature]

Lisa Burns, PE
Assistant Director

C: Ralph Kolls, WPCA
   Jim Deluca, Aqua Solutions
   Nicholas Klippe, Flowserve
   Brock Graham, Gilbane

John Ahern, OMI
Scott Orenstein, Esq., UKS
WPCA Board
November 1, 2013

Darren Oustafine, P.E.
Chairman
Norwalk Water Pollution Control Authority
15 South Smith Street
Second Floor
Norwalk, CT 06855

Dear Darren,

On behalf of Norwalk Land Trust (NLT), thank you for your letter of October 24th advising of plans to build a new pumping station on Farm Creek Lane.

NLT greatly appreciates WPCA’s efforts to be a good neighbor, and is in agreement that the height restriction of 4 feet for the proposed pumping station is no longer enforceable.

In addition, NLT would very much like to work with WPCA on developing and implementing a natural landscaping plan for the station that will promote the preservation and conservation of the Hart Peninsula and adjacent area for the benefit of the residents of Norwalk. With this in mind, please let me know next steps.

Sincerely,

Kathy Siever
President
kathy.siever@gmail.com
(203) 613-3545

cc: Hal Alvord
    Midge KenneCY
1 Plant Activities

A Maintenance

<table>
<thead>
<tr>
<th>Major Items Completed</th>
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<tr>
<td>Replaced fuel tank on truck #608</td>
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<tr>
<td>Removed channel mixer #5 for repairs</td>
</tr>
<tr>
<td>Completed concrete repairs in plant and pump stations</td>
</tr>
<tr>
<td>Cleaned diffusers in Aerator #1, replaced mixer #1 aerator</td>
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<td>This Month</td>
<td>Last Month</td>
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<td>416</td>
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<td>60</td>
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B Violations

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C Training

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<td>Safe Lifting Basics #705 w/ quiz, Team Lifting Handout</td>
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<tr>
<td>Special Lifting Situations #710 w/ quiz</td>
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<tr>
<td>Avoid Back Pain By Safe Lifting #942 w/ quiz</td>
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<td>Other</td>
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<td>NETS Drive Safely Work Week Handouts Mon. thru Fri.</td>
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2 Collection Systems

A Pump Stations

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<tr>
<td>Repaired Generator at Five Mile PS</td>
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<td>Repaired concrete at various PS</td>
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B Collection System

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<th>MRR Repairs/Upgrades</th>
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3 Personnel

A Number of Associates / Wastewater Operator Certifications

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<tr>
<td>Maintenance</td>
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<td>9</td>
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<td>5</td>
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<tr>
<td>Administration</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) | 21 |
| Avg. BOD Loading (lbs/day)          | 18,107 |
| Actual TN Performance (lbs/day)     | 573 |
| Lookup Value (lbs/day)              | 791 |
| Actual minus Lookup (lbs/day)       | -218 |
| TN Performance Band                 | D   |
| Uncontrollable Circumstances        | None |

Operational Review Findings
All equipment online

SOP Status
Summer Operation Mode

Summary of Findings
Inventory at targets.

Description of Ranges/Bands

Expected Operating Range

Band A
Actual TN (aTN), Lookup Value (LV)
aTN between 1 to 175 lbs/day less than LV
aTN between LV and up to 117 lbs/day in excess of LV

Band B
aTN between 118 and 234 lbs/day in excess of LV

Band C
aTN greater than 234 lbs/day in excess of LV

Band D
aTN 176 lbs/day less than LV

6 Miscellaneous

Regulatory Inspections
None

Storm Flow Events
None