

Mervin F. Roberts  
1 Duck River Lane  
Old Lyme, CT 06371

23 April 2012

Daniel C. Esty, Commissioner  
Connecticut DEEP  
79 Elm Street  
Hartford, CT 06106-5127  
Re: My Dilemma

About forty years ago I became involved in Old Lyme Conservation and became founder of a commission that morphed into several that are still active today. Later, as a Selectman, I saw the need for better management of septic wastes. I monitored our primitive septic lagoons at the Four Mile River Landfill and helped in the transformation of wastewater handling to the very effective process we have in Old Lyme today.

This led me and others to an awareness of ground water pollution mostly by septic waste and, as a Selectman, I engaged Dames and Moore, a world class wastewater management consultant, for the Town. They, in turn, after a few years suggested, that Old Lyme retain Nathan Jacobson of Chester, CT, to advise us and to perform or supervise groundwater tests. In part this was done to protect the Town from the urbanization and water loss that sewerizing would bring on.

We, the Town, studied the problem and, with help from the newly formed State Department of Environmental Protection (DEP) and the long-established State Department of Health (they publish the State Health Code and supervise the Health Directors and Sanitarians). We established a Town WPCA and by ordinance we made into policy the philosophy of sewer avoidance.

A turf war between the State DEP and the State Department of Health made our work difficult. They don't even agree on a definition of pollution. Also, a split authority between Chartered Beach Associations and Town Government raised the issue of control at the local level. The DEP sided with a Beach Association and conspired with them to sewerize Point O' Woods, a chartered association, to pipe septic wastewater to a treatment plant in New London. To do this, they told lies about the status of wastewater quality in Point O' Woods and endorsed the results of an illegal referendum. For one of many examples, they claimed that anadromous fishes were prevented, by pollution from household septic wastewater, from

coming up the nearby Four Mile River. In point of fact, that river is well populated with resident fishes but there are three dams without fish ladders that restrict the passage of most catadromous and anadromous fishes. This is but one example of a series of untruths with which the DEP/DEEP determined that Point O' Woods would be sewerred, and it was.

The same group of DEP/DEEP employees who previously advised Old Lyme to embrace a Sewer Avoidance Ordinance subsequently reversed themselves and succeeded in circumventing what they helped us to establish. We experienced twenty years of DEEP roadblocks to achieving environmental health with sewer avoidance using proven methods

My dilemma is that I cannot reconcile the DEP's previous history of dishonesty with their recent offer to help us correct the problems of some non-conforming systems. Granted, there are a few high nitrate levels in some summer cottage areas with very small lots but we don't need a sledge hammer to pound a few nails. Our registered sanitarian has already shown that he can correct these without any "help" from Hartford. When he did, he was threatened by the DEEP with loss of his Health Department license.

I have my doubts as to whether as a sworn commissioner of Old Lyme I can sit at the same table with people whom I cannot trust with the truth. I spoke with my Baptist Pastor Michael Crane. He thought I should declare my doubts but stay on the Board since my first obligation is to Old Lyme.

Hence, this letter. I propose to take my Pastor's advice.

Sincerely,



M. F. Roberts

Cc: Dennis Greci, George Hicks, State Representative Marilyn Guiliano, Ronald Rose, Robert Scully, Vijay Sikand, Luisa Grogan, George James, Dimitri Tolchinski, Aimee Eberly, Roger Breunig, Keith Czarnecki, Andrea Lombard, Mary Jo Nosal, David Redfield, Bonnie Reemsnyder, Louis Russo, Andrea Lombard, Arthur Sibley