

**Water Resource Committee
Special Meeting Minutes
November 1, 2011**

Present: Jane Cable, Jack Collins, Hansen Cummins, Steven Ross.

Absent: Stephen Dix, George James, Mervin Roberts

Chairman Steve Ross called the special meeting to order at 5:44 PM. It was determined that 4 members on this committee of 7 constituted a quorum.

Minutes approved: Motion made by Jack to approve the October 18 Special meeting Minutes as submitted. Second by Jane and approved by unanimous vote.

Jane reported that the Farmington River Watershed towns had shared \$500,000 that DEEP had given them from funds paid as a penalty by a polluter. The towns are using the funds for studies of their watersheds and aquifers.

She posed the question as to whether we should pursue the proposed Ordinance or an overlay on Zoning regulations similar to Hebron and what Barkhamsted is planning.

Marc Cohen's study should be helpful for that approach.

Steve replied that the proposed Ordinance is town wide and the Zoning Commission would be the one to determine the particular activities or entities that would or would not be permitted in various areas of town.

Jane posed the question as to whether we should consider mandating a public water supply in any area with sewers. Steve replied that he did not feel we could mandate public water since the water systems are owned by a company not the municipality. Jack agreed that we could not make CT Water invest in infrastructure and equipment particularly for customers who do not use the property approximately 9 months of the year.

Hansen described how Old Saybrook was able to avoid sewers that were being planned and mandated by DEEP. The Town conducted tests of ground water in the area of most concern (Chalker Beach) and the results indicated that there was not a significant pollution problem. They showed that DEEP's premise for the plan did not apply and no sewer treatment plant was needed. DEEP replied that they did not care but the Town developed alternative plans which resulted in the plan being dropped by DEEP.

We discussed the volume of water exportation that would apply under the proposed Ordinance and DEEP's jurisdiction. We chose 5000 gallons/day and DEEP regulates 50,000 gal/day or more. Steve pointed out that the local standards can be more stringent than those of the State such as in the Building Code. For example, the local limit for acidity in domestic water supply (wells) is less than the State level. Therefore, one can meet the State limit but not Old Lyme's and to have to meet that local standard to obtain a Certificate of Occupancy. Therefore, we should be able to require a permit for exportation of water at a lower level than the State regulates.

Jack has researched various State statues and found some that may prove extremely useful in providing the authority for our proposed Ordinance. Statute 22A-354g is a precursor to the creation of aquifer protection agencies and seems quite appropriate for our intentions. We would need Marc Cohen to identify the aquifer areas in Old Lyme, which he may have already done, to be able to establish aquifer protection areas. Steve would like that to include the entire Town.

Hansen described how aquifer protection areas can be defined by usage, well density and other factors.

Jack suggested we might use both CGS 7-148, that pertains to health and safety and the preamble to 22A-354g once we have identified the aquifer protection areas. The best defense of the proposed Ordinance would be the application of existing State statutes and regulations as the authority for developing it.

Steve commented that it is important to emphasize that the Ordinance does not involve a prohibition but requires a permit as part of the process for exportation.

Jack also found a DEEP model for establishing an aquifer protection program and he will send the link to the committee members. He will also contact Marc Cohen to determine if we might be able to utilize the model.

In order to make more progress, we need to begin drafting the specific points to be included in the Ordinance as outlined in the Minutes of the October 18 meeting. The rationale, purpose and explanation part of the ordinance will be developed as we pursue the subjects discussed at today's meeting.

Jack and Jane agreed to coordinate drafting specifics of the Proposed Ordinance in legal language.

Date of the next special meeting to be announced after follow-up on the above.

The meeting was adjourned by unanimous vote at 6:55 PM.

Submitted by Steven A, Ross, Chairman