

**Water Resource Committee
Special Meeting Minutes
September 27, 2011**

Present: Jane Cable, Jack Collins, Stephen Dix, George James, Mervin Roberts, Steven Ross. Guest: Marc Cohen of Atlantic States Rural Water & Wastewater Association.

Absent: Hansen Cummins

Chairman Steve Ross called the special meeting to order at 5:30 PM. He welcomed Jane Cable who was recently appointed to the committee.

Minutes approved: Motion made by Jack to approve the July 20 Special meeting Minutes as submitted. Second by Stephen and approved by unanimous vote.

Steve reviewed Marc Cohen's letter, dated Sept. 8, that indicated his research has found nothing that prohibits nor empowers the adoption of an Ordinance by Old Lyme as is being proposed by this committee. His conclusion is that we can do so since there is no state law to prohibit. He suggests that a municipal attorney with appropriate expertise should be consulted to confirm.

Chairman Ross asked for comments by each member of the committee.

Jane stated that we should do this but we may be sued by the CT Water Company. Jack agreed with Jane and elaborated based on discussions he had with two other attorneys regarding our committee's plans. DEEP already assumes that they have the authority to regulate water exportation and they have a process if the amount exceeds 50,000 gallons per day.

One opinion is that the Town can only do what the statutes allow and nothing more. There was some disagreement over this interpretation. However, there is provision under Statute 7-148 where the Town may be able to address this issue because it impacts the public health and welfare of its citizens.

George stated that 1.25 million gallons/year have been authorized by the DEEP for exportation of waste water by Shoreline sanitation.

Steve commented that we had planned to include an exemption in the proposed Ordinance for wastewater emanating from pumping of septic tanks. Tanks are pumped every 5 years and the impact on aquifers is negligible.

Merv commented on the fact that CT Water Company has a financial stake in the matter and they may have some influence with the DEEP.

Stephen commented that it is necessary to be involved in all cycles of water and waste water, including water quality issues. He also sees the need for a recharge program. The State has an Ordinance for managing waste water and we can not look at just one area but must consider the entire town. Technologies exist for alternative systems for waste water management but DEEP does not approve systems that might be an alternative to sewer

systems. So, there is a need for a management system to have a program using alternative systems and water systems.

Steve commented that we should limit our focus to the concept of requiring a permit for the exportation of water from Old Lyme so that the applicant is required to provide substantiation that their action will not adversely impact others. That can encompass the impact on both the quantity and quality. Prevention of salt water intrusion is a concern along the shoreline of town. Jack added that statute 7-148 might apply since an adverse impact on water quality affects the health and welfare of our citizens.

Discussion followed regarding the sources and quantity of water, particularly ground water in Old Lyme, the significance of location, for example Point O' Woods. While the DEEP did not require a study as to the impact of the sewer system on aquifers (and should have done so), the location does have substantial water supply from CT Water Company wells within POW and they are at the end of the flow of groundwater to Long Island Sound so there is no down stream impact.

Steve stated he felt it was time to decide if we want to proceed with the development of an Ordinance as proposed. While there are other issues to be considered, he felt that would require a task force of various town boards and commissions and that is beyond the scope of this committee. He asked if the members feel we should proceed to develop the rationale and drafting of an Ordinance or not. Everyone was in favor of proceeding.

George stated that water quality needs to be integrated into the scenario. Having a water authority would be a great help. Steve commented that he agrees that water quality can be integrated to some extent but any authority to manage it falls outside the scope of this committee.

Marc Cohen commented that in the town of North Stonington the Selectmen regulate their water. However, he thinks they may have formed a water company or some such legal entity to do so. Jane commented that if they can do so, perhaps so can Old Lyme.

After further discussion, it was agreed to proceed and that the next meeting would be a workshop to discuss and develop the rationale for explaining the need and purpose of the proposed Ordinance. Members are encouraged to draft ideas and we can circulate them by email in advance.

The next special meeting will be a workshop session to be held October 18 at 5:30 PM in Town Hall.

The meeting was adjourned by unanimous vote at 6:40 PM.

Submitted by Steven A, Ross, Chairman