

**Town Meeting Presentation
Of the WPCA Ordinance
Proposed Revisions
May 17, 2010**

OLD LYME WPCA

ORDINANCES, REGULATIONS AND BY-LAWS

- Changes to the Ordinances are proposed by the OLWPCA and brought to an advertised town meeting for review, discussion and possible adoption.
- Changes to the Regulations are proposed by the OLWPCA and reviewed and discussed by the public. Changes are adopted subject to a duly advertised Public Hearing.

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ORDINANCES, REGULATIONS AND BY-LAWS

- The Town of Old Lyme Water Pollution Control Authority (OLWPCA) is dedicated to sewer avoidance
- Sewer Avoidance is achieved by maintaining the quality of our town's surface water, ground water and tidal water
- The OLWPCA maintains the quality of its water by tightly managing the design, installation and maintenance of septic systems and sewer systems throughout the town.

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ORDINANCES, REGULATIONS AND BY-LAWS

- The OLWPCA uses three documents to perform its function. When the subject revisions are approved, all three will be available by download or by reference from the town website:
 - State of Connecticut Public Health Code
 - OLWPCA Ordinances
 - OLWPCA Regulations
- The OLWPCA ensures compliance with its ordinances and regulations through:
 - Director of Health
 - Sanitarian

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ORDINANCES, REGULATIONS AND BY-LAWS

- Water quality is monitored semi-annually at 35 surface and sub-surface points to reveal point sources of pollution including inadequate, failed or malfunctioning septic systems
- Pump-out program reveals structural problems before they cause pollution
- Proactive compliance with Department of Environment Protection (DEP) initiatives validates the OLWPCA's Sewer Avoidance posture

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ORDINANCES, REGULATIONS AND BY-LAWS

- 2010 Proposed Ordinance Changes
 1. Separate ordinances, regulations and by-laws to clarify respective functions and simplify procedures
 2. Implement plan to reduce and eliminate inadequate and outdated septic system components

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ORDINANCES, REGULATIONS AND BY-LAWS

- **Description of modification by section**
 - **133-2 Adoption of Public Health code - No change**
 - **133-3 Definitions:**
 - Changed “Approved Professional Engineer” to “Registered Professional Engineer”
 - Added the following definitions (see text):
 - Building Conversion
 - Cesspool
 - Change in Use
 - Complete Inspection
 - Critical Resource Areas

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- Added the Following Definitions (continued)
 - Director of Health
 - Failed System or Failure
 - Leaching Field
 - Liquid Waste Disposal Ticket
 - Maintenance
 - Malfunctioning System or Malfunction
 - Maximum Ground Water Level
 - Owner/Property Owner
 - Permit to Construct
 - Permit to Discharge
 - Pump-Out

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- Added the Following Definitions (continued)
 - Repair
 - Septage
 - Septic System
 - Septic Tank
 - Septic Tank Cleaner
 - Septic Tank Installer
 - Sewage/Domestic Sewage
 - Upgrade
 - Violation
 - Visual Inspection
 - Wastewater

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- Deleted the following Definition:
 - Malfunctioning System
- **133-5 Site Evaluation and Installation of New Systems**
 - Revised text to meet new definitions
- **133-6 Site Investigations**
 - Added: Malfunctioning System Installations
 - Added: Complete Inspections
 - Added: Visual Inspections
 - Added: Inspection Record System
 - Deleted previous text replaced by above sections

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– **133-7 Maintenance of existing Systems**

- Modified text to reflect change made to WPCA regulations on 5-19-1997 revising the mandatory pump-out cycle from seven to five years

– **133-8 Enforcement**

- Added text describing Health Director action concerning Malfunctioning Systems and Failed systems

– **133-8.1 Penalties for Offenses – No change**

– **133-8.2 Discharge Permits**

- Modified text describing the Director of Health's issuance of Permits to Discharge and the revocation, restoration and renewal of such Discharge Permits

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– **133-8.3 Renewal of Discharge Permits**

- Modified text to clarify the conditions upon which a Permit to Discharge may be renewed

– **133-8.4 Replacement**

- This section was added to clarify septic system components that require replacement prior to a specified date as follows:
 1. Cesspools shall be replaced with Septic Systems which conform to current state and local standards by December 31, 2012.
 2. Septic Tanks having a capacity of less than 900 gallons or two-thirds of the required size, whichever is greater, shall be replaced by December 31, 2012 with a tank of proper size in accordance with the Public Health Code or required by local requirements.

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– **133-8.4 Replacement (continued)**

- Added sections (continued)
 3. Septic Tanks that are constructed of steel shall be replaced by December 31, 2012
 4. Septic Tanks that leak shall be required to be repaired or replaced within 60 days of receipt of notice of such leakage.
 5. Leaching Systems which are less than 50% of the required size shall be upgraded to maximum effective leaching area by December 31, 2012.
 6. Septic System Leaching areas which are less than eighteen (18) inches above Maximum Ground Water or which are less than four feet above ledge rock shall be upgraded to maintain required separation distances by December 31, 2012

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7. All non-conforming septic systems pumps and pump chambers shall be upgraded to meet the requirements of the Public Health Code by December 31, 2012.
- **133-9 Adoption of Regulation – No Change**
 - **133-10 Conflicting Provisions – No Change**

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- Reasons for the replacement of cesspools, undersized tanks, steel tanks, undersized leaching systems, leaching systems with improper ground water or ledge separation and non-conforming sewage pumps and pump chambers:
 - As witnessed in neighboring towns, the DEP is effecting its plan to sewer all high density, high ground water communities such as Old Lyme
 - Old Lyme's proactive Sewer Avoidance policy allows the DEP to focus its policies elsewhere so long as our policies are aggressively maintained and enforced.
 - Should the DEP ever mandate sewers in Old Lyme, especially in the waterfront areas, the cost to the taxpayers would be huge, as high as \$30,000 per household and there are no more subsidies as Point-O-Woods enjoyed.

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- Reasons (continued)
 - Many of the smaller lots in the sensitive areas have undersized, inadequate septic systems that cause point pollution that is identified in the town's semi-annual testing.
 - Many of these systems were installed before Health Department regulation and inspection was enforced.
 - All homes in Old Lyme use drinking water drawn from wells in Old Lyme. Subscribers to the Connecticut Water company drink water drawn from wells in the Cross Lane aquifer.
 - If Old Lyme is to continue recycling its water, every effort must be made to reduce and eliminate pollution caused by inadequate, malfunctioning or failed septic systems.

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- Reasons (continued)
 - Cesspools are unlawful to install today because they inject both septic solids and liquids directly into the ground. Septic tanks collect the solids and decant the liquids.
 - Massachusetts and Rhode Island required the replacement of cesspools and steel tanks over 15 years ago in an effort identical to ours, to increase the performance of septic systems to the maximum extent possible.
 - Connecticut DEP only promotes structural solutions (sewer plants) that have proven to pollute in a more devastating way than septic systems ever could.
 - **Old Lyme has proven that structural solutions are unnecessary when inadequate, malfunctioning or failed septic systems are eliminated.**

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- Reasons (continued)
 - Steel septic tanks rust out and cave in. Unlike gas station tanks that must be replaced every 10 years, steel septic tanks may be 40-50 years old sitting in brackish ground water. Additionally, failure of the tops is a safety issue in many back yards
 - A leaking steel septic tank can inject pure sewage directly into the ground water which is picked up for drinking by many homes with shallow wells.

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- Reasons (continued)
 - Undersized tanks, undersized leaching systems and leaching systems with improper ground water or ledge separation cause pollution. No question.
 - Without this prohibition in our ordinance, there is no enforcement vehicle enabling the WPCA, through the Director of Health and the Sanitarian, to effect change and protect our precious drinking water.

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Conclusion

- We all want healthy, clean, safe drinking water
- None of us WANT to pollute
- What can we do?
 - We can take aggressive proactive measures to clean up our town, or
 - We can do nothing, let the DEP enforce its 1982 Old Lyme Sewer Abatement Order and mandate that we build a sewer plant at horrendous cost to the taxpayers

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What do these regulations mean to me?

- If you have a cesspool, with galleries behind it (a typical installation), you will only have to replace the cesspool with a concrete tank and connect it to the galleries.
- If you have an undersized tank or a steel tank you will have to replace it with a proper concrete tank. The leaching system behind it may be adequate.
- If you have an undersized leaching system or a leaching system with improper ground water or ledge separation you will have to contact an installer or engineer to survey for an conforming solution. Your septic system can no longer be part of the problem, you must make it part of the solution.

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- Changes to the proposed Ordinance Regulations after presenting to the Selectmen:
 1. Postpone adoption and present to public on May 17, 2010 for consideration only
 2. Hold subsequent informational sessions to gather public input during summer season
 3. Consider establishing financial relief for homeowners who can't afford to comply with these changes
 4. Increase the window for compliance to five (5) years from 2 1/2

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Thank you for your attention to this very
serious matter

The Old Lyme
Water Pollution Control Authority
May 17, 2010